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OF THE

SELECT COMMITTEE ON INTELLIGENCE

UNITED STATES SENATE

COVERING THE PERIOD

JANUARY 3, 2009 TO JANUARY 4, 2011

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PREFACE

The Select Committee on Intelligence submits to the Senate this report on its activities from January 3, 2009, to January 4, 2011. This report also includes references to activities underway at the conclusion of the 111th Congress that the Committee expects to continue into the future.

Under the provisions of Senate Resolution 400 of the 94th Congress, the Committee is charged with the responsibility of carrying out oversight of the programs and activities of the Intelligence Community of the United States. Most of the Committee's oversight must be conducted in secret to protect the sources and methods used by the Intelligence Community to protect our nation's security. Nevertheless, the Select Committee on Intelligence has submitted activities reports since 1977, during the 95th Congress, in order to provide as much information as possible about its intelligence oversight activities to the American public consistent with national security concerns. We submit this report to the Senate in continuation of that practice.

We also thank all of the members of the Committee in the 111th Congress. In particular, we acknowledge the contribution of Senator Christopher S. "Kit" Bond who served on the Committee from 2003 to 2010 and was Vice Chairman during the 110th and 111th Congresses. Five other Senators who played important roles in the oversight of the Intelligence Community have also completed their service with the Committee. Senator Orrin Hatch served his second term on the Committee from 1997 to 2010 after previously serving from 1985 to 1990, making him the longest-serving member of the Committee in its history. Senator Evan Bayh served on the Committee from 2001 to 2010. Senator Russell Feingold came to the Committee in 2006 and served until 2010. Senator Sheldon Whitehouse served on the Committee during the 110th and 111th Congresses from 2007 to 2010. Senator Tom Coburn served on the Committee during the 111th Congress from 2009 to 2010. Their unique perspectives and support to a strong Intelligence Community have contributed substantially to the mission of the Committee and for that we are grateful.

We also thank all the Committee's staff during the 111th Congress whose hard work and professionalism were essential to the fulfillment of the Committee's oversight and legislative responsibilities.

DIANNE FEINSTEIN, *Chairman*
SAXBY CHAMBLISS, *Vice Chairman*

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I. INTRODUCTION

The activities of the Committee during the 111th Congress were shaped by a range of legislative, nomination, and oversight responsibilities.

As described in part II of this report, the Committee's top legislative priority in the 111th Congress was enactment of an Intelligence Authorization Act after a lapse, since the end of fiscal year 2005, in the enactment of annual intelligence legislation.

During the 111th Congress, the Committee received 14 nominations for leadership positions in the Intelligence Community (IC). In keeping with its record of expeditious consideration of nominations, coupled with its commitment to the establishment of a public record on the background and views of nominees, the Committee requested that nominees answer extensive questions, posted on its website the unclassified answers to those questions, held 19 hearings and business meetings, and recommended that the Senate give its advice and consent to 12 nominations. (One nominee withdrew his nomination and one nomination, initially made in December 2010, was considered early in the 112th Congress.)

As in the past, the Committee's oversight work may have been the most important and least visible of its activities. Among other oversight matters, the Committee held numerous hearings, and the staff conducted extensive oversight through briefings and field visits, on a broad range of activities of intelligence agencies, including such matters as intelligence support to U.S. military operations in Afghanistan and Iraq and the performance of the Intelligence Community in using intelligence collection and analysis to help prevent terrorist attacks against the United States. In addition, the Committee undertook a study of the Central Intelligence Agency's detention and interrogation program as it existed under the previous Administration, and inquired into policies and actions of the new Administration, in order to shape detention and interrogation policies now and in the future. Through review of the implementation of the Foreign Intelligence Surveillance Act, including the amendments to that Act made in the 110th Congress, and through review of the development of U.S. Government programs on cybersecurity, the Committee continued its oversight of activities implicating national security and individual privacy.

While much of its work was planned early in the Congress, the Committee also responded to unfolding events, including tragedies that were averted, as in the failed Christmas Day 2009 attack against Northwest Flight 253, or that were carried out, as at the CIA's Khowst base in Afghanistan. In each case the Committee sought to learn the lessons needed for the Intelligence Community to improve its ability to help protect the U.S. homeland, and also protect Intelligence Community and other U.S. Government personnel in harm's way overseas.

II. LEGISLATION

A. INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2010

The Committee's top legislative priority in the 111th Congress was the enactment of an Intelligence Authorization Act. As recounted in the Committee's previous two biennial reports, the last enactment of an Intelligence Authorization Act was in December 2004 for fiscal year 2005. The Committee is committed to restoring annual passage of the bill as a key instrument of intelligence oversight and took a significant step in that direction through the enactment in October 2010 of the Intelligence Authorization Act for Fiscal Year 2010.

In the first months of 2009, the Committee conducted its annual review of the President's budget recommendations for the civilian and military agencies and departments comprising the Intelligence Community (IC) for fiscal year 2010. These reviews included the National Intelligence Program (NIP) and the Military Intelligence Program (MIP), the latter about which the Committee makes recommendations to the Senate Armed Services Committee.

The intelligence entities covered by the annual budget reviews included the Office of the Director of National Intelligence (ODNI), the Central Intelligence Agency (CIA), the Defense Intelligence Agency (DIA), the National Security Agency (NSA), the National Geospatial-Intelligence Agency (NGA), the National Reconnaissance Office (NRO), the intelligence capabilities of the military services and the Coast Guard, as well as the intelligence-related components of the Federal Bureau of Investigation (FBI), the Departments of State, Treasury, Energy, and Homeland Security (DHS), and the Drug Enforcement Administration (DEA).

As part of its reviews, the Committee held closed budget hearings at which senior IC officials testified. During briefings at the Committee and on site at IC agencies, Committee staff, designated as budget monitors for particular IC elements, evaluated detailed budget justifications submitted by the Executive Branch. On the basis of those reviews, the Committee prepared a classified annex to its annual authorization bill and report. This annex contained a classified schedule of appropriations and classified directions to IC elements that addressed a wide range of issues identified during the annual budget reviews and other Committee oversight activities.

While the annual budget review proceeded, the Committee also reviewed the Administration's proposals for the public part of the FY 2010 bill consisting of new or amended legislative authority requested by the IC. The Committee posted on its public website testimony, in unclassified form, presented by the Director of National Intelligence (DNI) at a closed hearing on May 19, 2009, on the Administration's legislative proposals for the FY 2010 bill, as well as the text and explanation of the complete Administration legislative request that the Committee received on May 22, 2009. The Committee posted on its website additional proposed sections submitted by the Administration in June and early July 2009. The Committee also considered legislative proposals it had previously reported as well as a number of new proposals formulated by Committee members in response to evolving or current oversight matters.

On July 22, 2009, the Committee reported S. 1494, its proposed Intelligence Authorization Act for Fiscal Year 2010, accompanied by S. Rep. No. 111-55 (2009), by a vote of 15-0. The report explained the provisions of the bill and also provided comments, including directions to the IC, which could be stated in an unclassified form. As customary, it was accompanied by the classified annex with classified budget recommendations and guidance on implementation of budget authority. With a managers' amendment to address concerns of other committees, the bill passed the Senate by unanimous consent on September 16, 2009. 155 Cong. Rec. S9447-9480 (daily ed.).

Following passage by the House on February 26, 2010, of H.R. 2701, the proposed FY 2010 authorization bill reported by the House Permanent Select Committee on Intelligence, the Director of the Office of Management and Budget (OMB) sent to the intelligence committees a letter setting forth the Administration's views on S. 1494 and H.R. 2701. The letter identified thirteen serious concerns, three of which were veto-threat items, including amendments on notification to the intelligence committees about sensitive intelligence matters and covert actions and provisions on the authority of the Government Accountability Office (GAO) to conduct audits, investigations, and evaluations of the IC. On March 15, 2010, the Department of Justice wrote to the committees stating its concerns about the constitutionality of various provisions in the two bills.

The intelligence committees undertook a three-month process of reconciling the House and Senate bills and addressing the Administration's concerns. On June 10, 2010, the OMB Director wrote to the committees that the Administration had reviewed the product of that effort and the President's senior advisers would recommend that he sign the resulting legislation.

On July 19, 2010, the Committee reported a new bill, S. 3611, which incorporated the agreement. It was accompanied by S. Rep. No. 111-223 (2010), which provided a section-by-section description of how S. 3611 reconciled S. 1494 and H.R. 2701. With a managers' amendment to resolve concerns of other Senate committees, the Senate passed S. 3611 by unanimous consent on August 5, 2010. 156 Cong. Rec. S6767-6799 (daily ed.).

Further work remained, however, before final action on the FY 2010 legislation. A renewed effort was made to craft language on improving notifications to Congress on sensitive intelligence activities and covert actions and also on GAO authority. After this effort produced amendments acceptable to the committees, the House and Senate leadership, and the Administration, the Senate acted on September 27, 2010, for a third time on the FY 2010 legislation by amending and passing H.R. 2701with this negotiated agreement. 156 Cong. Rec. S7558-7559 (daily ed.). House passage followed on September 29, 2010, and the President signed the FY 2010 bill, as Public Law 111-259, on October 7, 2010.

Because fiscal year 2010 was drawing to a close, the final negotiations on the bill removed the classified schedule of authorizations applicable to the ending fiscal year and the classified annex that described those budgetary authorization levels. The enacted bill accordingly focused on needed improvements in Intelligence Community authorities and

oversight mechanisms. Chairman Feinstein, Vice Chairman Bond, and House Intelligence Committee Chairman Reyes, however, wrote to the President on October 19, 2010, concerning the provisions in the classified annex that were reviewed and accepted by the Administration and the Intelligence Community during negotiations over the legislation, and the fact that these would be the subject of further discussion in the future.

The provisions of the Intelligence Authorization Act for Fiscal Year 2010 are explained more fully in S. Rep. No. 111-223, the report that accompanied S. 3611, and in the floor remarks on Senate passage of H.R. 2701, in which Chairman Feinstein and Vice Chairman Bond explained the several subsequent changes that cleared the way for final action, 156 Cong. Rec. S7498-7500 and S7558-7559 (daily ed., Sept. 27, 2010). The provisions include:

- Modifications, in Title V of the National Security Act of 1947, to the requirements and the process by which, the President, DNI, and heads of all U.S. departments, agencies, and entities keep the intelligence committees fully and currently informed of all intelligence activities and covert actions. This includes the responsibility to furnish to the committees any information, requested by them, about the legal basis for intelligence activities or covert actions that is within the custody or control of the departments, agencies, or entities of the United States which are involved in those activities or covert actions. The amendments also address "Gang of Eight" notifications to the Senate and House leadership, and leadership of the two intelligence committees, about covert actions. They require that when a finding or notification is limited to the Gang of Eight, the statement of reasons for doing so shall be in writing and all members of the intelligence committees shall be provided with a general description regarding the finding or notification consistent with the reasons for not yet fully informing all such members. Any such determination would have to be reviewed every 180 days.

- Acquisition reforms, including vulnerability assessments of major systems, establishment of requirements for a business enterprise architecture to enhance IC business system modernization, and measures developed from the Nunn-McCurdy Act on defense overruns to curb excessive cost growth of major intelligence systems.

- Establishment of a strong and independent Inspector General (IG) for the Intelligence Community, appointed by the President with the advice and consent of the Senate, to review programs of the Intelligence Community and the relationships among the elements of it, and to report to the DNI and Congress. Of particular importance, the statutory IG for the Intelligence Community will have the authority to address issues that run across the jurisdiction of individual IC elements and that cannot be fully addressed by Inspectors General for individual IC elements whose jurisdictions are bounded by the elements in which they serve.

The Act also strengthens existing IGs that serve elements of the Intelligence Community. It provides for the availability to the CIA IG of authorities made available to other IGs pursuant to the Inspector General Reform Act of 2008, including the authority to appoint a Counsel to the Inspector General who shall report to the CIA IG. For the IGs at the NSA, NRO, NGA, and DIA, the Act provides for their statutory recognition and the availability to them of the authorities and protections applicable to other administratively appointed IGs under the Inspector General Act of 1978, such as measures to protect independence, provide for access to information, and ensure regular reporting to Congress.

- Measures to improve personnel management. These include measures designed to improve oversight of IC personnel planning and account for the number and use of the IC's burgeoned number of contractors. To enable the IC to meet advanced technical needs, the Act provides for enhanced pay authority for critical positions such as those requiring special scientific abilities. It provides for improvements in IC education programs, including language programs, and personnel management flexibilities that will foster the participation of IC employees in language training programs. Although omitted from the final text in light of the end of the fiscal year, the Committee throughout the consideration of the FY 2010 bill supported measures to facilitate the replacement of contractors with regular IC employees, and will take up this issue again in the 112th Congress.

- Measures to improve information sharing by authorizing interagency funding to quickly address deficiencies or needs that arise in intelligence information access or sharing capabilities. The Act also facilitates information sharing with the National Counterterrorism Center (NCTC) by extending exemptions from Freedom of Information Act (FOIA) search requirements to operational files that have been provided to the ODNI, of which NCTC is a part.

- An increase in the maximum penalties for the disclosure of the identity of undercover intelligence officers and agents.

- A preliminary framework for congressional and Executive Branch oversight of federal cybersecurity activities to ensure the government's national cybersecurity mission is carried out in a manner consistent with legal authorities and individual privacy rights.

- A requirement for a comprehensive report by the Director of National Intelligence, in coordination with the Attorney General and the Secretary of Defense, on the policies and procedures of the U.S. Government concerning participation by elements of the Intelligence Community in the interrogation of individuals suspected of international terrorism, including the legal basis for these policies and procedures.

- A requirement for the DNI to make publicly available an unclassified summary of intelligence relating to recidivism of detainees held at the Naval Detention Facility at Guantanamo Bay, Cuba, and an assessment of the likelihood that such detainees will engage in terrorism or communicate with persons in terrorist organizations.

- A requirement for a report and strategic plan on the intelligence collection efforts of the United States to assess the threat from biological weapons and to protect the biodefense knowledge and infrastructure of the United States. This section of the Act also requires a strategic plan for closing important intelligence gaps related to biological weapons.

- A requirement that the DNI, in consultation with the Comptroller General (as the head of the GAO), issue a written directive governing access by the Comptroller General to information in the possession of an element of the Intelligence Community, and to provide that directive to the Congress together with any comments no later than May 1, 2011. Unless accelerated by the DNI for reasons of national security, the directive or any amendment to it shall take effect 60 days after submission to the Congress. The directive shall be consistent with both the provisions of Title 31 of the United States Code on the authorities of the Comptroller General and those of the National Security Act.

B. Intelligence Authorization Act for Fiscal Year 2011

In the first months of 2010, even while consideration of the Fiscal Year 2010 bill continued, the Committee reviewed the President's Fiscal Year 2011 requests for funding levels and legislative proposals.

As previously, the Committee's budget monitors evaluated the budget requests submitted by the Executive Branch. Committee staff held briefings at the Committee and onsite at agencies, and the Committee conducted closed budget hearings. The Committee received the Administration's proposed FY 2011 bill on May 27, 2010, and conducted a closed hearing on the Administration's legislative request on June 22, 2010. The Committee subsequently posted on its website both the full legislative request and an unclassified version of the testimony offered by Robert Litt, the ODNI General Counsel.

Committee staff prepared budget and bill material for consideration early in the 112th Congress in the event the Committee determined to proceed with a fiscal year 2011 intelligence authorization bill.

C. Extensions of Expiring FISA Authorities

As the 111th Congress began, three provisions of the Foreign Intelligence Surveillance Act (FISA)—commonly known as the roving wiretaps, lone wolf, and business records sections of the Act—were scheduled to expire on December 31, 2009. On March 31, 2009, Chairman

Feinstein and Vice Chairman Bond wrote to the Attorney General and the Director of National Intelligence to request their recommendations on whether the provisions should be extended, modified, or allowed to expire. On September 14, 2009, the Department of Justice, in a response to the Committee for itself and the DNI, recommended that the expiring provisions be reauthorized.

With regard to roving wiretaps, under which roving surveillance is authorized by court orders for targets who take actions to thwart FISA surveillance, the Justice Department stated that the authority "has proven an important intelligence-gathering tool in a small but significant subset of FISA electronic surveillance orders." For lone wolf authority, pursuant to which a non-U.S. person who engages in international terrorism may be the subject of FISA collection even though connection to a specific international terrorist group has not been determined, the Department noted that, as of the September 2009 letter, it had not been necessary to use that authority. Nevertheless, the Department requested reauthorization of the authority on the grounds that it could foresee circumstances in which a known terrorism target had broken from his terrorist group. Concerning business records, the Department urged reauthorization because it believed that "[t]he absence of such an authority could force the FBI to sacrifice key intelligence opportunities."

Section 1004 of H.R. 3326, the Department of Defense Appropriations Act, 2010, enacted December 19, 2009, extended the three expiring provisions to February 28, 2010.

In February 2010, as the new sunset approached, the Attorney General, the DNI, and the intelligence committees took steps to enable members of both Houses to understand more fully the intelligence collection made possible by the expiring authority. The Attorney General and the DNI provided to the committees a classified paper and asked for their assistance in making it available, in a secure setting, directly and personally to any interested Member. On February 23, 2010, Chairman Feinstein and Vice Chairman Bond wrote to each Member of the Senate inviting the Member to read the classified paper in the Committee's offices and conveying the offer of the Attorney General and DNI to have their personnel available to meet with any Member who had questions. The House Intelligence Committee extended a similar invitation to Members of the House. 156 Cong. Rec. H838 (daily ed., Feb. 25, 2010).

On February 27, 2010, Congress extended the roving, lone wolf, and business records provisions once again, this time for one year to February 28, 2011 in Public Law 111-141.

D. Administration Views on Bills Related to the Intelligence Community

Rule 12.2 of the Committee's Rules of Procedure provides that "Unless otherwise ordered by them, measures referred to the Committee shall be referred by the Chairman and Vice Chairman to the appropriate department or agency of the Government for reports thereon." Pursuant to this rule, during the 111th Congress the Chairman and Vice Chairman made three referrals for comments. Additionally, the Chairman and Vice Chairman made one referral to the

Director of National Intelligence for comment on the effect legislation not referred to the Committee but being considered by the Senate would have on the Intelligence Community.

1. Detention and Interrogation, S. 147 and S. 248

On March 3, 2009, the Chairman and Vice Chairman referred to the Director of National Intelligence for comment two bills on detention and interrogation: S. 147, introduced by the Chairman and co-sponsored by Senators Rockefeller, Wyden, and Whitehouse, and S. 248, introduced by the Vice Chairman. Both of these bills were referred to the Committee.

S. 147, entitled the "Lawful Interrogation and Detention Act," would bar any person in the custody or under the control of an IC element from being subjected to a treatment or technique of interrogation not authorized by the Army Field Manual. It would require notice of an IC detention and access to such detainee, in a manner consistent with the practices of the U.S. Armed Forces, to the International Committee of the Red Cross. It would bar CIA interrogations by contractors, instead requiring that all CIA interrogations be conducted by Agency employees. It would also require the closing of the detention facility at the U.S. Naval Base at Guantanamo Bay, Cuba.

S. 248, entitled the "Limitations on Interrogation Techniques Act of 2009," would preclude the use of specific interrogation techniques, similar to those currently prohibited by the Army Field Manual.

On April 3, 2009, the DNI replied that "the President has directed thorough reviews of detention, interrogation, and transfer policies as well as a review of both the options for the disposition of individuals captured or apprehended in connection with armed conflicts and counterterrorism operations and those individuals currently detained at the Guantanamo Bay Naval Base."

Further, the DNI noted that the "President has ordered that individuals under the effective control of U.S. Government employees or their agents or detained in a U.S. Government owned, operated, or controlled facility must be treated humanely and shall not be subjected to torture or to outrages on personal dignity, including humiliating and degrading treatment" and "may only be interrogated in accordance with the Army Field Manual 2-22.3." The DNI also stated that "(b)ecause these task forces are reviewing the very issues these legislative proposals address, we have forwarded these bills to the task forces for their consideration as part of their efforts. We anticipate that, once these reviews have been completed and the task forces have reported to the President, the Administration will be better able to assess these proposals."

As described earlier in this report, Congress included in Section 333 of the Intelligence Authorization Act for FY 2010 a requirement for a comprehensive report by the Director of National Intelligence on detention and interrogation activities.

2. Government Accountability Office Participation in Intelligence Community Audits and Evaluations, S. 385

On March 12, 2009, the Chairman and Vice Chairman referred to the DNI for comment S. 385, a bill referred to the Committee, entitled the Intelligence Community Audit Act of 2009. S. 385, which had been introduced by Senator Akaka and co-sponsored by Senators Lautenberg, McCaskill, Sanders, Wyden, Carper, and Durbin, to "reaffirm" the authority of the Comptroller General to perform audits and evaluations of the financial transactions, programs, and activities of the Intelligence Community. It also would "reaffirm" the authority of the Comptroller General to obtain access to records for the purpose of those audits. It provided that those audits may be requested by any committee of jurisdiction and may include matters related to strategic planning, financial management, information technology, human capital, knowledge management, and information sharing conducted by management and administration elements of the Intelligence Community. The bill proposed a number of limitations on this authority including that the Comptroller General may conduct an audit or evaluation of intelligence sources or methods, or covert actions, only on the request of one of the congressional intelligence committees or the House or Senate majority or minority leader.

On April 20, 2009, the DNI responded to the Chairman and Vice Chairman. The DNI stated that, "I believe that oversight of the Intelligence Community by the intelligence committees plays a critical role in making sure we are fulfilling our responsibilities with regard to keeping our Nation safe while ensuring privacy and civil liberties protections. This oversight, precisely because it is conducted by the committees through a cadre of knowledgeable and experienced staff, is a valuable contribution to improving the quality of intelligence and the effective, efficient operation of the Intelligence Community." He continued that the "Intelligence Community has worked together with GAO on hundreds of their reviews ranging from personnel security clearance reform, to U.S.-Saudi Counter Terrorism and Terrorism Financing, to an examination of the Committee on Foreign Investment in the United States. We will continue working cooperatively with GAO on such reviews to improve federal government performance." However, the DNI concluded that "there is no clear necessity or benefit from expanding GAO's scope of authority to the Intelligence Community." The DNI was also concerned that S. 385 would "authorize the Comptroller General to carry on self-initiated work and other work beyond that directed by intelligence committees" which "would negatively impact the ability of the Intelligence Community to respond to requests from the intelligence committees in a timely manner, within available resources."

As described earlier in this report, section 348 of the Intelligence Authorization Act for FY 2010 provides for the issuance by the DNI, no later than May 1, 2011, and in consultation with the Comptroller General, of a directive governing access of the Comptroller General to information in the possession of an element of the Intelligence Community. The directive shall be consistent with both the National Security Act and the provisions of title 31 of the U.S. Code on the authorities of the Comptroller General. The directive shall be submitted to Congress together with any comments of the Comptroller General.

3. Security Clearance Modernization and Reporting, S. 2834

On February 9, 2010, the Chairman and Vice Chairman referred to the DNI for comment S. 2834, a bill referred to the Committee entitled the "Security Clearance Modernization and Reporting Act of 2009." This legislation, which had been introduced by Senator Akaka and co-sponsored by Senator Voinovich, would mandate more detailed and more timely reporting on the security clearance process; require a comprehensive information technology needs assessment; and require the creation of a strategic plan that would outline reform goals, establish performance measures, create a more robust communications strategy, define clear roles and responsibilities for stakeholders, and examine funding needs.

On July 26, 2010, the DNI responded to the Chairman and Vice Chairman. The DNI noted that S. 2834 "does not recognize and build on the significant progress made to date, may limit the flexibility and development of the [Performance Accountability Council], and requires duplicative reporting." He noted that "the significant improvements in timeliness and streamlined policy and process successes gained to date are likely attributable to IRTPA's legislative foundation flexibly executed through a series of Executive Orders that updated, clarified and improved the reform effort over time." With regard to information technology, the DNI stated that "(l)egislating in this area may limit continued quality and technology improvement going forward." The DNI also noted that the February 2010 *Security and Suitability Process Reform Strategic Framework* document "presents the reform effort's mission, strategic goals, approach, key deliverables, performance measures, external factors, roles and responsibilities, and long term funding requirements."

Section 367 of the Intelligence Authorization Act for FY 2010 provides for a series of reports and audits on the U.S. Government's security clearance process and the measurement of improvement in the timeliness of that process.

4. Weapons Acquisition, S. 454

On April 27, 2009, the Chairman and Vice Chairman referred S. 454, the "Weapons Systems Acquisition Reform Act of 2009," to the DNI for comment. The Senate Armed Services Committee had reported this legislation on April 2, 2009. Although the measure was not referred to the SSCI, the Chairman and Vice Chairman sought the DNI's views on whether, and if so how, this legislation would affect IC acquisition programs. S. 454 set additional restrictions and reporting requirements on Department of Defense major defense acquisition programs. Since many IC agencies reside within the Defense Department, the Committee was concerned that the legislation would place requirements on IC acquisition programs.

On May 11, 2009, the DNI responded to this inquiry. He assessed that "S. 454 does not impact the acquisition programs funded by the [National Intelligence Program]." He noted that S. 454 is "specifically applicable to a 'major defense acquisition program' (MDAP)" and that Title 10, United States Code, Section 2430(a) "defines a MDAP to exclude a Department of Defense (DoD) acquisition program that is a "highly sensitive classified program" as determined by the SecDef." Under a March 25, 2008, Secretary of Defense and DNI Memorandum of

Agreement, "fully and majority NIP-funded major system acquisitions" are considered to be "highly sensitive classified programs" and not susceptible to MDAP guidelines.

The Conference Report on S. 454 (Public Law No. 111-23) passed the Senate on May 20, 2009, and was signed into law by the President on May 22, 2009.

E. Committee Views on The New Start Treaty

In mid-September 2010, shortly before the Senate Foreign Relations Committee reported a resolution of advice and consent with respect to the ratification of the New START Treaty, the Chairman and Vice Chairman submitted separate, classified, views letters on the Treaty to the Chairman and Ranking Member of the Senate Foreign Relations Committee. These letters contributed to the Senate Foreign Relations report and minority views on the treaty.

The Committee's oversight activities in relation to this treaty began with the start of negotiations in 2009, well before the President submitted the treaty to the Senate for its advice and consent. In November 2009, the Chairman travelled to Geneva, Switzerland, to visit with the U.S. and Russian treaty negotiators and gain a first-hand view of the key issues being negotiated. Staff activities included IC briefings on Russian strategic forces and the capabilities of national technical means (NTM) of verification.

The President submitted the treaty to the Senate on May 13, 2010, and the Intelligence Community completed a national intelligence estimate (NIE) on monitoring under the treaty in June 2010. With these events, the Committee's oversight activities intensified. Committee staff met with U.S. treaty negotiators and with IC officials to fully understand the treaty's details and its implications for U.S. monitoring capabilities. Staff also conducted a thorough review of the NIE. Members participated in several briefings given by Administration cabinet members.

The Committee held a closed hearing on New START in July, centered on the NIE and the IC's ability to monitor the treaty's limits. Subsequently, the Committee submitted more than 70 questions for the record. Testimony at the hearing, answers to the questions for the record, and memoranda from prior briefings were key inputs to Member treaty views, published separately by the Chairman and Vice Chairman. Additionally, Committee staff briefed individual Members on treaty monitoring issues.

On December 20, 2010, the Senate held a rare closed session in the Old Senate Chamber to review classified materials regarding the New START Treaty. During that session, both the Chairman and Vice Chairman presented classified information from the Intelligence Community on the New START Treaty and other issues regarding Russia.

On December 22, 2010, the Senate ratified the New START Treaty by a vote of 71 to 26.

As the treaty has entered into force, the Committee will shift its oversight focus to the IC's efforts in monitoring under the treaty, as well as Russia's activities related to the treaty.

F. S. RES. 600, AUTHORIZING THE SELECT COMMITTEE ON INTELLIGENCE TO PROVIDE DOCUMENTS IN UNAUTHORIZED DISCLOSURE OF CLASSIFIED INFORMATION INVESTIGATION AND FOR PRESENT AND FORMER EMPLOYEES TO TESTIFY

On July 28, 2010, the Senate agreed to Senate Resolution 600, which had been offered by Majority Leader Reid and Minority Leader McConnell. The preamble stated that the Department of Justice had requested the Select Committee on Intelligence to provide documents in a pending investigation into the unauthorized disclosure of classified national security information.

The resolution authorized the Chairman and Vice Chairman, acting jointly, to provide to the Justice Department copies of Committee documents in connection with that investigation and authorized former and current Committee employees to testify, except concerning matters for which a privilege should be asserted. Additionally, the resolution authorized the Senate Legal Counsel to represent the Committee and former or current employees from whom testimony may be required.

At the time the Senate acted on the resolution, no indictment had been filed and the underlying matter was under consideration by a grand jury in the United States District Court for the Eastern District of Virginia. Accordingly, neither the resolution nor the accompanying floor statement referred to any defendant or otherwise described the subject of the investigation.

On December 22, 2010, the grand jury handed down a sealed indictment in United States v. Jeffrey Alexander Sterling, No. 1:10CR485 (LMB), the case resulting from the investigation for which Senate Resolution 600 had authorized the production of documents and testimony. The indictment was unsealed on January 6, 2011. It charges a former CIA officer with the illegal disclosure of national security information and obstruction of justice. Among other matters, it alleges that the former officer sought to induce an author to disclose classified information to a national book publisher and then to the public, including foreign adversaries of the United States, through the publication of a book containing information about a classified program and a human asset.

G. RELEASE OF DECLASSIFIED NARRATIVE DESCRIBING THE DEPARTMENT OF JUSTICE'S OFFICE OF LEGAL COUNSEL'S OPINIONS ON THE CIA'S DETENTION AND INTERROGATION PROGRAM

On April 22, 2009, the Committee posted on its website a declassified narrative describing the Department of Justice's Office of Legal Counsel (OLC) opinions on the CIA's detention and interrogation program. As the preface to the narrative indicates, the purpose of the document was to provide to the public an initial narrative of the history of the opinions from 2002 to 2007 on the legality of the CIA's detention and interrogation program. The effort involved meetings and exchanges of drafts among committee counsel and representatives of the Department of Justice, CIA, the ODNI, and Counsel to the President.

Although this process produced a draft narrative, declassification was not authorized until April 2009. The narrative is posted on the committee's website under publications for the 111th Congress.

III. OVERSIGHT ACTIVITIES

A. ANNUAL WORLDWIDE THREAT HEARINGS

Since 1994, the Committee has held a hearing to review the Intelligence Community's assessment of the current and projected national security threats to the United States. These Worldwide Threat hearings cover national security concerns in all geographic regions and transnational threats—such as counterterrorism and counterproliferation—that transcend borders. These hearings fulfill an important role in educating both the Congress and the American public about the threats facing the country, the ability of the Intelligence Community to provide information and analysis about those threats, and, in the case of some agencies, the capabilities within their organizations to counter such threats.

On February 12, 2009, the Committee held an open hearing on the current and projected threats to the United States. Testifying before the Committee was Dennis C. Blair, the recently confirmed Director of National Intelligence. His unclassified prepared statement for the record is available in the Hearings section of the Committee's website and the record of the hearing has been printed as S. Hrg. 111-62.

Director Blair stated "The primary near-term security concern of the United States is the global economic crisis and its geopolitical implications." He assessed that the "crisis presents many challenges for the United States" and that the effect of the crisis "already has increased questioning of U.S. stewardship of the global economy and the international financial structure." In regard to violent extremism, Director Blair noted, "(o)ver the last year and a half, al-Qaeda has faced significant public criticism from prominent religious leaders and fellow extremists primarily regarding the use of brutal and indiscriminate tactics—particularly those employed by al Qaeda in Iraq (AQI) and al-Qaeda in the Lands of Islamic Maghreb (AQIM)—that have resulted in the deaths of Muslim civilians" and that a broad array of Muslim nations are "having success in stemming the rise of extremism and attractiveness of terrorist groups." The DNI also noted the concern over homegrown extremism and the potential rise of such terrorist cells within the U.S. His statement further commented on the "arc of instability" from the Middle East and South Asia; how the rise of India and China would enable them to "become the long-term power center of the world;" the impressive stability of democracy in Latin America despite the "challenge that populist, often autocratic regimes still pose in the region;" and the "growing cyber and organized crime threat."

On February 2, 2010, in the second session of the 111th Congress, the Committee held an open hearing on the current and projected threats to the United States. DNI Blair presented a consolidated statement on behalf of the Intelligence Community and was joined by Leon Panetta, Director of the CIA; Lieutenant General Ronald L. Burgess, Jr., Director of the DIA; Robert S. Mueller, Director of the FBI; and John Dinger, Acting Assistant Secretary of State for Intelligence and Research. Director Blair's unclassified statement for the record is available in the Hearings section of the Committee's website and the record of the hearing has been printed as S. Hrg. 111-557.

Director Blair focused his initial discussion on the threat from cyber attacks and intrusions. He stated that the "national security of the United States, our economic prosperity, and the daily functioning of our government are dependent on a dynamic public and private information infrastructure, which includes telecommunications, computer networks and systems, and the information residing within" and assessed that this "critical infrastructure is severely threatened." He noted that "neither the U.S. Government nor the private sector can fully control or protect the country's information infrastructure," but suggested that government and the private sector could mitigate the threat by working together. Director Blair also noted the continuing concerns over the consequences of the global recession; the growing proliferation threat from chemical, biological, and nuclear weapons; strategic health challenges and threats; and possible increased instability in particular geographic regions.

B. CYBERSECURITY TASK FORCE

On July 1, 2010, the Committee's Cybersecurity Task Force submitted its classified Final Report to the full Committee. Senator Sheldon Whitehouse, Senator Olympia Snowe, and Senator Barbara Mikulski formed the Cybersecurity Task Force at the request of the Chairman and Vice Chairman to undertake an intensive six-month survey of the cybersecurity landscape and help the full Committee map out an oversight agenda.

The Task Force launched on January 1, 2010, with five principal goals:

1. Elevate the profile of cybersecurity issues on the Committee's policy and oversight agenda;

2. Refine the Committee's policy and oversight responsibilities on cyber issues;

3. Expand the pool of Committee expertise on a technically challenging matter of vital importance to America's national and economic security;

4. Develop a concise set of policy recommendations on the DHS program known as EINSTEIN 3 that add value to existing policy debates and demonstrate the Committee's intention to assume a more prominent role in the development and oversight of cybersecurity policy; and

5. Enrich the context in which the Committee debates cybersecurity policy and oversight by providing a layered overview of cybersecurity threats and issues.

In the six months that followed, the Task Force hosted more than three dozen meetings and consulted with leading experts from industry, academia, and government, including those in the Intelligence Community. The Task Force also performed an extensive review of classified and unclassified cybersecurity literature.

The Task Force's classified Final Report consisted of two parts: Part I focused on

understanding the cyber threat; identifying areas of consensus and dissent in cybersecurity policy; and analyzing key components of the federal government's cyber capabilities and workforce most relevant to the purview of the Intelligence Committee. The Task Force distilled what it learned into six preliminary observations about America's cybersecurity posture:

1. The threat is malicious, unrelenting, and evolving.

2. There is a surprisingly robust consensus on a set of general principles that should guide U.S. government cybersecurity efforts.

3. The consensus does not extend far beyond the need for an appropriate relationship between the federal government and the private sector.

4. International cooperation on cybersecurity is important but challenging in unique respects.

5. The federal government is making limited and incremental progress towards improving cybersecurity.

6. The overwhelming majority of cyber threats to federal and private sector information systems may be effectively mitigated by commercial off-the-shelf technology in the hands of informed users. Mitigating the remaining threats, however, will likely require proprietary technologies as well as the federal government's unique capabilities and authorities.

The Final Report identified a number of oversight themes corresponding to these analytic observations.

Part II examined EINSTEIN 3, an automated intrusion prevention system for protecting the civilian computer networks in the Executive Branch. The DHS operates EINSTEIN 3, and the NSA provides critical technical and personnel support. EINSTEIN 3 is managed by the United States Computer Emergency Readiness Team (US-CERT), the operational arm of DHS's National Cyber Security Division. During the 111th Congress, DHS did not deploy EINSTEIN 3, and the White House did not approve deployment. An exercise was underway, however, to test and demonstrate the system.

Given the centrality of EINSTEIN 3 to current efforts to protect civilian Executive Branch networks and the unique nature of the technology, the Task Force identified several overarching themes that will require sustained oversight from the Committee in the 112th Congress. These include evaluating the impact of EINSTEIN 3 on privacy and civil liberties, ensuring smooth governance and interagency relations concerning EINSTEIN 3, and regular assessments of the EINSTEIN 3 technology.

C. COMMITTEE REVIEWS

1. Cybersecurity

In addition to the Cybersecurity Task Force noted above, the Committee held numerous hearings and briefings on cybersecurity-related matters. Committee staff met regularly with Intelligence Community and other government officials, and with private sector entities involved in cybersecurity-related efforts. These hearings, briefings, and meetings were instrumental in keeping the Committee informed of the Intelligence Community's cybersecurity-related programs and initiatives. Also, the Committee's all-volunteer Technical Advisory Group, consisting of 18 distinguished, nationally recognized science and technology leaders, completed three 6-month studies of technology and policy aspects of cybersecurity, and reported findings and recommendations on priorities for Congress at a closed Committee hearing.

The Committee also promoted timely and appropriate oversight of government cybersecurity activities by including related provisions in the Intelligence Authorization Act for FY 2010 (Public Law 111-259). Section 336 of this Act includes a number of provisions to enhance government cybersecurity efforts and ensure that Congress is fully informed about the Executive Branch's cybersecurity programs. For example, Section 336(a) requires a congressional notification within 30 days of the bill's enactment for each cybersecurity program in operation, as well as a notification of any new cybersecurity program not later than 30 days after the new program's commencement. The Committee notes that the report was not provided on a timely basis in the 111th Congress and expects compliance early in 2011.

As cybersecurity activities may, in the course of authorized operations, encounter U.S. citizen data, this Section formally requested documents detailing the legal foundations, privacy implications, concept of operations, and periodic audits of large government-managed cybersecurity programs including the DHS's EINSTEIN 2 and EINSTEIN 3 programs and the DoD's cybersecurity system.

To keep Congress informed of the Executive Branch's internal reviews of these programs, Section 336(b) requires additional reports on any audits a department or agency has conducted on a cybersecurity program.

Because the Committee recognizes that the United States cannot achieve its cybersecurity objectives without a "whole of government" approach to the problem in partnership with the private sector, Section 336(c) mandates a report on the status of the sharing of cyber threat information across the government and with the private sector. The Committee requested that the DNI and the Secretary of Homeland Security jointly assess how cyber threat intelligence information, including classified information, is shared with the U.S. critical infrastructure leadership, and combine the best threat information from the IC and the best vulnerability information from DHS to create a net assessment of the cyber risk to U.S. critical infrastructure.

At the same time, Section 336(d) gives the head of an IC element funded through the National Intelligence Program the authority to detail personnel to the FBI's National Cyber

Investigative Joint Task Force or to DHS. This enhanced authority will allow the Task Force and DHS to better leverage the IC's expertise and experience. In addition, Section 336(e) requires the DNI to submit to a plan to Congress for recruiting, retaining, and training a highly-qualified cybersecurity IC workforce to secure IC networks.

Finally, Section 336(f) requires the DNI to coordinate a report to Congress on guidelines or legislative recommendations to improve the cybersecurity capabilities of the IC and law enforcement agencies. The Committee believes this report will be instrumental as Congress considers whether to develop legislation or policy on a range of cybersecurity matters.

2. Study of the CIA's Detention and Interrogation Program

On March 5, 2009, as described in the joint release of Chairman Feinstein and Vice Chairman Bond, the Committee agreed "on a strong bipartisan basis to begin a study of the CIA's detention and interrogation program." The Committee announced that the purpose of the study was to review the program and to shape detention and interrogation policies in the future. Among other things, the review was to examine:

- How the CIA created, operated, and maintained its detention and interrogation program;
- Whether the CIA accurately described the detention and interrogation program to other parts of the U.S. government, including the Department of Justice's Office of Legal Counsel and the Senate Intelligence Committee;
- Whether the CIA implemented the program in compliance with official guidance, including covert action findings, Office of Legal Counsel opinions, and CIA policy; and
- An evaluation of intelligence information gained through the use of enhanced and standard interrogation techniques.

The Committee engaged in discussions with the CIA regarding the Committee's comprehensive request for documents related to the program and made arrangements with the CIA for the proper handling of this material. The Committee and the CIA also reached an agreement regarding the protection of sources and methods, as well as other sensitive matters. Pursuant to these arrangements, the CIA has made available to the Committee over 4 million pages of CIA records relating to its detention and interrogation program.

Additionally, the Committee requested documents related to the CIA program from the Department of Defense, the Department of State, the Department of Justice, and the Federal Bureau of Investigation.

On August 24, 2009, Attorney General Holder assigned a career prosecutor in the Department of Justice to conduct a preliminary review into whether federal laws were violated in connection with the CIA's interrogation of specific detainees at overseas locations. This investigation remains pending.

On September 25, 2009, the Vice Chairman withdrew his staff from the study in response to the Attorney General's decision. The Vice Chairman noted his belief that the Attorney General's decision made it unlikely that CIA employees involved in the program would agree to be interviewed for the Committee's study. The Committee's resolution establishing the review has remained in force and, pursuant to the Chairman's direction, the review has continued toward the goal of presenting to the Committee, in the 112th Congress, the results of the review of the extensive documentary record that has been provided to the Committee.

3. High-Value Detainee Interrogation Group

On January 22, 2009, President Obama issued Executive Order 13491 on ensuring lawful interrogations. Section 3(b) directed that no individual in the custody or under the control of the U.S. Government shall be subjected to an interrogation technique not authorized by the Army Field Manual. It further provided that "Nothing in this section shall preclude the Federal Bureau of Investigation, or other Federal law enforcement agencies, from continuing to use authorized, non-coercive techniques of interrogation that are designed to elicit voluntary statements and do not involve the use of force, threats or promises."

Executive Order 13491 also established a Special Interagency Task Force on Interrogation and Transfer Policies whose mission included studying whether Army Field Manual practices, when employed by agencies outside of the military, provide an appropriate means of acquiring intelligence necessary to protect the Nation and, if necessary, recommending guidance for other departments or agencies. On August 24, 2009, Attorney General Holder announced that the Task Force had proposed the Administration establish a specialized interrogation group to bring together officials from law enforcement, the Intelligence Community, and the Defense Department. The Attorney General stated the Task Force had unanimously concluded "that the practices and techniques identified by the Army Field Manual or currently used by law enforcement provide adequate and effective means of conducting interrogations." The recommendations of the Task Force were approved by the President.

In the following months, the Committee expressed a strong interest, through staff briefings, statements of Members at hearings, and legislation, in being advised about the implementation of the Task Force recommendations. Part of the interest focused on the charter the Administration was preparing to govern the operations of the specialized interrogation group, which came to be known as the High-Value Detainee Interrogation Group (HIG). The Charter was finalized on April 19, 2010, and, as a result of legislation in the Senate, was provided to the Committee on May 18, 2010.

The HIG is as an interagency body administratively housed within the FBI and subject to policy direction from the National Security Council. The leadership of the HIG consists of a Director appointed by the Director of the FBI and two Deputy Directors, one drawn from the CIA and the other from the Defense Department. The Department of Justice, through an attorney at the National Security Division, provides legal counsel to the HIG.

The HIG's primary responsibility is to deploy expert Mobile Interrogation Teams to

conduct and support the interrogation of High-Value Detainees who have been identified as having access to information with the greatest potential of preventing terrorist attacks against the United States. These mobile teams are directed to use only those techniques authorized by the Army Field Manual; this limitation does not preclude the use of authorized, non-coercive interrogation techniques that are designed to elicit voluntary statements and do not involve the use of force, threats, or promises, in accordance with the provisions of Executive Order 13491. The HIG also has responsibilities concerning improving the training of interrogators and sponsoring research on interrogation.

The Committee monitored the implementation of the HIG, including lessons learned from the initial work of the HIG. Section 333 of S. 3611, reported by the Committee on July 19, 2010, as part of the effort to enact the Intelligence Authorization Act for FY 2010, included a requirement that within 60 days of enactment the DNI shall submit to the appropriate committees an analysis and assessment of lessons learned from the operations and activities of the HIG since its establishment. As a result of an amendment in the Appropriations Committee offered by Senators Bond and Feinstein, as members of that committee, this requirement became law in section 308 of the Supplemental Appropriations Act, 2010, Pub. L. 111-212 (2010). The DNI submitted the classified lessons learned report to the Committee on October 4, 2010.

On December 16, 2010, the DNI submitted a report pursuant to the remaining requirements of section 333 of the Intelligence Authorization Act for FY 2010 (Public Law 111-259). Section 333 directed the submission of a comprehensive report on the policies and procedures governing participation by IC elements, including the legal basis for their participation, in the interrogation of international terrorism suspects. This reporting requirement applied to the HIG as the interagency body established to carry out interrogations. The report submitted pursuant to section 333 contains both classified and unclassified portions concerning the HIG. The Committee has begun the process of seeking further elaboration from the DNI about the report.

4. Intelligence Issues regarding Detainees Held at U.S. Naval Station Guantanamo Bay

During the 110th Congress, the Committee was made aware of rising recidivism levels and, as a result, began to review the transfer of detainees from the Guantanamo Bay detention facility. During the 111th Congress, the Committee continued its oversight of Intelligence Community involvement with detainees held at U.S. Naval Station Guantanamo Bay, including the IC's role in detainee transfers. The Committee sought to review the Intelligence Community's threat assessments about the detainees, effectiveness and extent of measures being taken to monitor detainees and provide security by countries to which the detainees were transferred, and information about detainee recidivism. These efforts gained additional momentum following reports that two of the leaders of al-Qaeda in the Arabian Peninsula (AQAP), the group that claimed responsibility for the failed 2009 Christmas Day attack, were former Guantanamo detainees. The Chairman and Vice Chairman wrote to the President on January 5, 2010, asking that he halt the transfer of detainees to Yemen. The Administration has imposed a moratorium on such transfers, with the exception of a Yemeni detainee ordered

released by a U.S. court.

Concerned about rising rates of recidivism, the Committee held Member briefings on the activities and recidivism of transferred Guantanamo detainees, and the processes used by, and decisions of, the Administration's Guantanamo Detainee Review Task Force. The Task Force briefing included representatives from the Departments of Justice, State, Defense, and Homeland Security and the Office of the Director of National Intelligence, and the Joint Chiefs of Staff. The Committee submitted numerous questions for the record and document requests following the Task Force briefing to provide additional information and context to witness testimony. The Committee also held staff level briefings with officials from the Detainee Review Task Force, the Central Intelligence Agency, and the Defense Intelligence Agency.

Committee staff also reviewed: (1) the implementation of monitoring and security requirements each country negotiated with the U.S. government; (2) the foreign government's perception of the thoroughness of detainee information provided by the United States; (3) how each country dealt with the challenges of resettling detainees; (4) the extent and content of interaction between the Intelligence Community and intelligence services of host countries; and (5) any conditions that may permit transferred detainees to re-engage in terrorist activity, including an ability to travel abroad. Staff also heard from U.S. government representatives about the status of the transferred detainees and efforts to monitor them

Legislation passed by the Committee and the Senate in S.1494, the Intelligence Authorization Act for Fiscal Year 2010, later modified and included in the Supplemental Appropriations Act, 2010, required the Administration to provide the congressional intelligence committees with the basis for detainee disposition decisions reached by the Guantanamo Detainee Review Task Force, including the written threat analyses prepared on each detainee, and access to the intelligence information that formed the basis of the threat analyses. The information provided to date has proven invaluable to the Committee's understanding of the potential threat posed by transferred detainees and those remaining at Guantanamo Bay. The Committee will continue to efforts to obtain requested information and review intelligence issues concerning the detention facility at Guantanamo Bay and Intelligence Community involvement with efforts to prosecute, transfer, or further hold those detained there.

5. Oversight of Intelligence Community Counterterrorism Efforts

The Committee during the 111th Congress increased the scope and depth of its oversight of the Intelligence Community's role in U.S. counterterrorism efforts. The Committee has increased oversight by conducting numerous hearings and briefings with IC agency heads and staff as well as regularly scheduled staff meetings. The Committee has placed particular emphasis on its need to examine the underlying legal basis for the IC's activities as well as the short and long-term effects and consequences of IC activities. The Committee's efforts have resulted in additional and more detailed congressional notifications by IC agencies. The IC agencies have also provided more documentation and detail on current and future plans and operations.

6. Mass Shooting at Fort Hood, Texas

On November 5, 2009, a mass shooting at Fort Hood, Texas killed thirteen people and wounded thirty-one. The alleged shooter, Army psychiatrist Major Nidal Malik Hasan, has been described by NCTC Director Michael Leiter as a "lone actor inspired by the global violent extremist movement who attacked without oversight or guidance from overseas-based al-Qaeda elements." The Committee conducted two hearings on the Fort Hood shooting and whether the IC and other government agencies had information which could have prevented this tragedy, and engaged with the IC on ways to improve its investigative guidelines and collection, analysis, and sharing of threat information related to U.S. persons.

7. Christmas Day 2009 Attack on Northwest Airlines Flight 253

On December 25, 2009, a 23-year-old Nigerian man, Umar Farouk Abdulmutallab, attempted to detonate a concealed explosive device on Northwest Airlines Flight 253 from Amsterdam to Detroit, Michigan, as the plane was descending into Detroit Metropolitan Wayne County Airport.

The Chairman and Vice Chairman announced on December 31, 2009, that the Committee would conduct hearings on the attempted Christmas Day terrorist attack and ''collect all intelligence related to Umar Farouk Abdulmutallab held by various intelligence agencies in order to determine who had what, and how the information was handled. In addition, the Committee [would] review national security policies on sharing information and terrorist watchlisting.'' In the months that followed, the Committee gathered information through hearings, briefings, and document requests from the ODNI, NCTC, CIA, NSA, FBI, Department of State, and DHS (including agencies under its purview, such as the Transportation Security Administration (TSA), U.S. Customs and Border Protection (CBP), and the Office of Intelligence and Analysis (I&A)).

The Committee held a closed hearing on the attack on January 21, 2010. Chairman Feinstein and Vice Chairman Bond issued a joint statement following the hearing that the Committee staff had prepared a draft report which had been delivered to the Committee members, and that the Committee would begin discussing, on a bipartisan basis, conclusions and recommendations to include in the report.

On March 16, 2010, the Committee unanimously approved a 55-page report and provided it to the Intelligence Community for a classification review. Once that classification review was completed, the Committee made corrective edits to the report based on IC recommendations, and prepared an unclassified Executive Summary. On May 18, 2010, the Committee unanimously approved that unclassified Executive Summary and released it to the public.

On May 18, 2010, the Committee also unanimously approved a motion to report to the Senate its ''Report on the Attempted Terrorist Attack on Northwest Airlines Flight 253'' which consists of: (1) the publicly released unclassified Executive Summary together with Additional

Views of Senators Chambliss and Burr; and (2) the previously adopted classified portion of the report, which has been retained by the Committee and is available in its secure offices for reading by other Senators.

The Committee concluded that the IC failed to connect and appropriately analyze the information in its possession prior to December 25, 2009, that would have identified Abdulmutallab as a possible terrorist threat to the United States. The Committee believed the IC and other parts of the U.S. Government should have taken steps to prevent Abdulmutallab from boarding Northwest Flight 253 to Detroit. The SSCI report identified fourteen specific points of failure—a series of human errors, technical problems, systemic obstacles, analytical misjudgments, and competing priorities—which resulted in Abdulmutallab being able to travel to the United States on December 25, 2009. In the classified portion of the Committee's report, each point of failure includes a description, a Committee conclusion, Committee recommendations, and a discussion of the corrective actions already being taken by the IC at the time of the report's release.

The first two points of failure identified by the Committee relate to failures of the systems and procedures in place to prevent suspected terrorists from entering the United States. The remaining points discuss why the relevant intelligence was not connected and analyzed together. Doing so might have led analysts to link sufficient threat and biographical information on Abdulmutallab to place him on the relevant watch lists.

As the Committee's Report describes, the Committee found there were systemic failures across the IC that contributed to the failure to identify the threat posed by Abdulmutallab. Specifically, the NCTC was not organized adequately to fulfill its missions. Following 9/11, Congress created the NCTC and charged it with serving as ''the primary organization in the United States Government for analyzing and integrating all intelligence possessed or acquired by the United States Government pertaining to terrorism and counterterrorism . . . .'' In practice, however, the Committee found that no one agency saw itself as responsible for tracking and identifying all terrorism threats. In addition, technology across the IC was not adequate to provide search enhancing tools for analysts who might have identified Abdulmutallab as a potential threat.

In addition to the review conducted by the Committee, the DNI created an Intelligence Community Review Panel chaired by John McLaughlin, former Deputy Director of the CIA. That panel's report endorsed three of the specific classified recommendations made by the SSCI report. In response to the Committee's findings and conclusions, the IC has implemented significant changes and reforms. The Committee continues to monitor those efforts and study what additional reforms may be required.

8. Najibullah Zazi and David Headley

In September 2009, Najibullah Zazi was arrested and charged with plans to attack the New York City subway system. He pled guilty in federal court in February 2010. Zazi's alleged two

New York-based associates were indicted in January 2010. The plot, which included the development of hydrogen peroxide-based homemade explosives, was the first known instance since 9/11 that al-Qaeda had successfully deployed a trained operative inside the United States.

On October 27, 2009, the FBI arrested David Headley in Chicago on suspicion of planning terrorist attacks in Denmark. The FBI later also charged Headley with participating in the November 2008 terrorist attacks in Mumbai, India. In March 2010, Headley pled guilty in federal court to all charges. During this timeframe, the Committee held hearings and briefings on these cases and on IC support to these investigations.

9. Faisal Shahzad

In May 2010, Faisal Shahzad attempted to detonate a car bomb in Times Square, New York City, an attack for which Tehrik-e-Taliban in Pakistan (TTP) claimed responsibility. It was the first time the TTP had been known to expand its operational focus from attacks within South Asia to plotting attacks inside the United States. The Committee held a hearing and conducted staff briefings on this case to review Intelligence Community collection and analysis on Shahzad and his links to TTP.

10. Khowst Attack

On December 30, 2009, the CIA suffered its most devastating losses in its efforts against al Qaeda and related terrorist organizations in an attack at Forward Operating Base Chapman in Khowst, Afghanistan. The attack was carried out by a foreign national who was believed to be working for the CIA and providing valuable information against the al Qaeda terrorist network. In light of his previous reporting, CIA officers decided to meet with him with the hope of forming a more productive relationship. However, the assailant used this opportunity to detonate an explosive vest, killing seven CIA employees and wounding six others.

The CIA conducted an internal counterintelligence review and commissioned an independent external review led by former CIA official Charles Allen and retired Ambassador Thomas Pickering to determine what happened at Khowst, what lessons could be learned, and what steps should be taken to prevent such incidents in the future. In response to this attack, the Committee held hearings and staff briefings on the attack itself and the results of the two counterintelligence reviews. The Committee will continue to monitor and actively engage with the CIA to ensure the recommendations of the CIA internal review and the independent external review are implemented quickly and successfully.

11. Afghanistan

During the 111th Congress, the Committee spent considerable time and effort reviewing the IC's support to the Administration's commitment of additional resources to U.S. military operations in Afghanistan. Commonly known as the "surge," the increased U.S. military operations in Afghanistan required an accompanying increased commitment of significant

intelligence resources. The Committee held numerous hearings to understand developments in Afghanistan and Pakistan, and whether and how the new policy initiatives in the region were affecting the situation in the region.

The Committee's oversight of Afghanistan intelligence issues and IC support to the surge focused on the analysis of the situation in Afghanistan and Pakistan, and IC activities in the region, including intelligence collection and other operations.

In the analysis area, the Committee reviewed the IC's assessment of the anticipated challenges to the surge strategy; its development of metrics to measure both intelligence support and progress on policy goals; its analysis on progress achieved compared to the goals of the strategy; its perspective on developments immediately following the controversial Afghan elections; and the two National Intelligence Estimates on Afghanistan and Pakistan, respectively, produced to inform policy makers conducting the December 2010 policy review of the Afghanistan-Pakistan strategy.

The Committee also focused on IC goals and progress in supporting the Afghanistan strategy; the creation of a new office of the Associate Director for National Intelligence for Afghanistan and Pakistan (ADNI Af/Pak), who was responsible for coordinating IC efforts to support policy in the region; and how the various intelligence disciplines of collection, analysis, operations, and counter-intelligence were coordinated and reinforced in this region. In addition, the Committee reviewed the Administration's Fiscal Year 2010 and 2011 budget requests to support these efforts.

The Committee held a number of other hearings and briefings on related activities by various elements of the Intelligence Community that included in-depth examination of the complex intelligence support to U.S. policy initiatives in the region.

12. Threat Finance and Financial Intelligence

The Committee conducted a comprehensive survey of the elements of the Intelligence Community that collect and analyze intelligence pertaining to the financial activities of U.S. adversaries, such as the illicit banking and procurement transactions related to Iran's and North Korea's missile and nuclear development, and the illicit funding streams that fuel insurgent networks and terrorist organizations in Afghanistan and Pakistan. The Committee's work on these issues included identifying gaps in coverage; holding multiple meetings and briefings with Treasury's Office of Intelligence and Analysis and other relevant agencies and Departments; and developing a catalog of all financial intelligence-related finished intelligence analysis products. In addition, Committee staff worked with staff from the Senate Committees on Armed Services, Foreign Relations, Homeland Security and Government Affairs, Finance, and Banking to develop a coherent cross-Committee and interagency approach to these issues throughout the government.

Following the President's December 1, 2009, announcement of the new U.S. strategy for Afghanistan and Pakistan, the Chairman and Vice Chairman, along with Senators Rockefeller, Wyden, Bayh, Whitehouse, and Majority Leader Harry Reid, wrote to the DNI and the Assistant to the President for National Security Affairs to urge that they coordinate a comprehensive interagency campaign to identify, target, and attack the funding networks that sustain the Taliban and al-Qaeda. The Committee also held a hearing to review the efforts of the IC and other government agencies in this area. In response to the Committee's request, the DNI, on August 1, 2010, issued a report detailing the IC's strategy and implementation plan to improve collection and analysis against the financing networks of the Taliban and al Qaeda.

On October 6, 2010, Chairman Feinstein and Vice Chairman Bond, along with Senators Rockefeller, Wyden, Bayh, Whitehouse, and Snowe, wrote to DNI Clapper to commend the Intelligence Community's work pertaining to threat finance and financial intelligence in Afghanistan and Pakistan, and suggested that Director Clapper seek to replicate this work with regard to other national security challenges outside of Afghanistan and Pakistan.

13. Oversight of the Office of the Director of National Intelligence

The Committee continued its oversight of the Office of the Director of National Intelligence throughout the 111th Congress. The position of the Director of National Intelligence, as established by the Intelligence Reform and Terrorism Prevention Act of 2004, was given a variety of statutory authorities and responsibilities. The ODNI includes a management staff that assists the Director in coordinating the resources and activities of the various intelligence agencies. It also includes several functional organizations, including the National Counterterrorism Center, the National Counterproliferation Center, the National Counterintelligence Executive, and the National Intelligence Council.

During the 111th Congress, DNIs Blair and Clapper, as well as other officials within their office, appeared before the Committee for numerous briefings and hearings. These meetings were necessary both to monitor the progress of the ODNI and to assist in the oversight of the individual agencies of the Intelligence Community.

The ODNI submitted numerous reports and strategy documents to the Committee during 2009 and 2010. For example, the ODNI provided the National Intelligence Strategy, the National Intelligence Priorities Framework, progress reports on the implementation of the DNI's budget authorities, a report on Information Integration, annual reports on the functions of analytic integrity and standards, a report on the status of the IC language program, and reports on security and suitability process reform.

14. Intelligence Community Directive 402

The Committee also conducted oversight on Intelligence Community Directive (ICD) 402, which DNI Blair issued early in his tenure. On May 19, 2009, DNI Blair, completing a process that began under previous DNI Michael McConnell, issued ICD 402 to designate "DNI

representatives" to U.S. foreign partners and international organizations. In recognition of the historical overseas role of the CIA, ICD 402 provided that in "virtually all cases globally" the CIA Chief of Station would serve as the DNI representative to U.S. diplomatic missions. In "rare circumstances," according to the document, the DNI, in consultation with the Chiefs of Mission, the Director of the CIA, and other affected departments or agencies, could designate a DNI representative other than a CIA Chief of Station. The Committee wrote in S. Report 111-55, which accompanied S. 1494, the Intelligence Authorization Act for Fiscal Year 2010, that ICD 402 was faithful to the National Security Act because the DNI is not only the head of the Intelligence Community in Washington, D.C., but is the Intelligence Community's head wherever it operates in the world. In November 2009, however, the National Security Council supported the CIA's position that CIA Chiefs of Station should be the DNI representatives in all cases.

15. Information Sharing and Intelligence Community Directive 501

The Committee spent considerable time examining the progress of the Intelligence Community in implementing ICD 501—"Discovery and Dissemination or Retrieval of Information Within the Intelligence Community." The ICD directs that IC elements "shall treat information collected and analysis produced as national assets and, as such, shall act as stewards of information who have a predominant responsibility to provide."

The Committee found that, while the DNI and IC agencies have made substantial progress at improving discoverability and sharing of information across the IC, much more needs to be done to fulfill the goals set forth in ICD 501. The Committee discovered that policies and practice regarding access to needed information differed from agency to agency. More than once, the Committee intervened to improve access to specific programs for specific IC managers and analysts. However, the Committee believed that the need for its involvement to improve information sharing was contrary to the spirit of ICD 501. The Committee will continue to oversee the implementation of ICD 501 to ensure information necessary for intelligence officials to perform their mission is made available in a systemic and routine fashion, with appropriate measures in place to protect sources and methods.

16. Foreign Language Requirements and Capabilities

The Committee reviewed the IC's foreign language requirements and capabilities in order to discern the specific gaps, shortfalls, weaknesses, and national level issues that contribute to the IC's overall deficit in foreign language capability. This effort focused on a range of issues, including IC requirements for heritage speakers; security clearance processes; professional language training throughout the IC; foreign language professional retention and incentive programs; linguist utilization and language maintenance pay; and the use of foreign language contractors worldwide.

The Committee found that serious shortfalls persist for languages critical to intelligence agency missions in spite of multiple past and ongoing efforts to improve this capability. While

IC agencies have attempted to correct their hiring patterns and increase their language training programs, many still rely heavily on contract linguists, interpreters, and translators for critical languages. Persistent shortfalls in critical languages coupled with the increasing volumes of information available through open source and other means have exacerbated the effects of a national deficit in foreign language capability on intelligence collection and analysis.

By the end of the reporting period, the Committee staff had ascertained a number of systemic, community-wide and/or agency specific problems in the areas of billet structure and language training; contractor hiring and utilization; security clearance processes; linguist recruitment and hiring practices; and military linguist utilization. The Committee will continue to follow and address the foreign language deficit of the Intelligence Community.

17. Education and Training

The Committee spent considerable time examining the progress and status of a wide range of educational, training, and scholarship programs within and associated with the Intelligence Community, including the IC Centers of Academic Excellence (CAE) in National Security Studies Program, the National Security Education Program (NSEP), Boren Scholars, and the National Intelligence University.

The IC CAE in National Security Studies Program was established during 2005 in response to the nation's increasing need for IC professionals who are educated and trained with the unique knowledge, skills, and capabilities to carry out America's national security objectives. The Committee is monitoring the program, particularly in schools whose programs were originally funded with program money but are now self-sustaining.

In multiple meetings with academic scholarship and program managers, Committee staff explored the scope, scale, and resourcing of programs, and examined the historical and potential returns on investment experienced throughout the IC. The Committee sought to ensure that the IC is adequately resourced to educate, recruit, and train a broad spectrum of professionals capable of contributing to the national security of the United States, including through educational programs that lead to quantitative and qualitative increases in the national talent pool from which the IC recruits.

18. Analytic Transformation and Quality of Analysis

The Committee maintained its focus on ongoing analytic transformation as well as the quality of analytic products disseminated to customers of the IC. The 2004 Intelligence Reform and Terrorism Prevention Act (IRTPA) mandated a number of reforms in the IC to improve the analytic standards of the community, address faulty intelligence analysis, and increase information sharing between analysts and agencies. The DNI implemented policies and procedures to encourage sound analytic methods and tradecraft throughout the IC elements, and the Committee continued to monitor the progress of agencies and analytic directorates at meeting those standards.

The Committee conducted a full committee hearing with top analytic leaders of the IC on the state of intelligence analysis, as well as efforts to improve the quality of analytic tradecraft since the passage of IRTPA. The Committee remains keenly interested in significant issues relating to intelligence analysis, including: IC and individual agency efforts to create and follow community-wide standards of analytic tradecraft; analyst recruitment, training, utilization and retention; the balance between the IC's focus on reporting current threats versus long-term analysis; and the status of analytic collaboration and intelligence-sharing within and among intelligence agencies.

In addition to the hearing, the Committee received regular substantive briefings from analysts, held analysis oversight meetings with senior analysts and analytic chiefs, and conducted quality of analysis meetings with the IC's analytic ombudsman. These activities supported intelligence oversight in general, but specifically contributed to focusing the analytic community on a continuing pursuit of analytic quality.

A large part of the analytic transformation underway in the IC should be happening in the realm of information technology, the tools that analysts use to discover, retrieve, share, analyze, produce, and share intelligence. Unfortunately, individual agencies continue to develop analyst tools, technologies, and databases for their own analysts that may not be usable by all the IC agencies. The Committee continues to see stovepipes in the development and fielding of analytic technologies, although collaborative workspaces, common metadata, shared databases, and universal access to needed information should be the rule rather than the exception.

19. Size and Apportionment of Analytic Workforce

The Committee began to look more closely into the IC's analytic workforce, apportionment, and division of labor to determine if the specific analytic personnel requests of the IC agencies were justified. The Committee examined the analysis being produced, the analysts requested and required, and the National Intelligence Priorities that serve as the foundational basis for resource requests to determine what redundancies or gaps if any, were present. In multiple substantive briefings, the Committee reviewed the oversight of analytic accounts, discussing the number of analysts focused on specific issues, determining whether a particular agency was duplicating the efforts of another, or discovering whether analytic gaps were left unaddressed. The Committee continues to encourage IC agencies to align growth in analytic resources to meet specified priorities and missions, rather than allowing general growth across all analytic missions randomly.

20. Forward Deployment of Analysts

During its consideration of the Fiscal Year 2010 Intelligence Authorization Act, the Committee noted the increasing numbers and locations where IC strategic level analysts are forward deployed to overseas locations. The Committee understands the value of providing periodic "quality of analysis"-type regional familiarization opportunities for analysts and recognizes that geographical proximity to customers is important for some analytic mission sets.

At the same time, the Committee continues to examine the link between foundational intelligence strategy documents such as ICD 204 ("Roles and Responsibilities for the National Intelligence Priorities Framework"), National Intelligence Priorities Framework, and the actual deployment of analytic resources globally. The Committee remains concerned that the forward deployment of analysts in support of operational or tactical missions should not undercut the strategic priorities of the Intelligence Community.

21. Analytic Integrity and Standards

Concerned that there appeared to be a wide disparity in analytic tradecraft standards followed across the IC, in some cases diverging from the standards mandated in IRTPA, the Committee undertook a study of Analytic Integrity and Standards (AIS) at the ODNI and in several agencies. This study explored the organization and functioning of AIS offices across the IC, the rigor with which analytic integrity and tradecraft review standards are being applied, actions being taken to improve AIS, and what further steps could be taken to increase and improve the analytic standards and policies of the IC.

One of the reforms put in place with the passage of IRTPA was the creation, formalization, and enhancement of AIS organizations at the ODNI and within individual agencies. These AIS organizations were meant to improve both the conduct and outcomes of analysis. Every IC agency which produces analysis has created one or more offices with the specific responsibilities of training analysts in analytic methodologies, tradecraft, and standards, conducting in-depth post-production reviews of analytic products for adherence to tradecraft standards, and creation and dissemination of analytic "lessons learned" and "best practices."

In the course of visiting AIS offices and officers throughout the IC, Committee staff found that while the IC has generally raised its level of emphasis on teaching, mentoring, monitoring, and enforcing analytic tradecraft standards, there are still specific areas requiring improvement. These areas as well as agency "best practices" have been identified and recommendations made to ODNI and agency staffs.

22. Sherman Kent School for Intelligence Analysis

During the 111th Congress, the Committee continued to monitor the activities and programs of the CIA's Sherman Kent School for Intelligence Analysis. The Sherman Kent School provides CIA officers with an integrated, career-long program that combines specialized training in the craft of intelligence analysis with a substantive curriculum interwoven with the values, traditions, and history of the CIA.

The Committee's oversight included: examining the size and scope of programs; the numbers and specialties of analysts trained compared to the number and specialties of analysts requiring training; future growth of the school; strategic planning; and ties to the wider IC.

The Committee found that the School provides excellent foundational and follow-on training for intelligence analysts. The Committee also identified resource shortfalls that, if corrected, could lead to a broader and more robust analytic capability in the wider IC.

23. *Analyst-Collector Relationships*

In late 2010, the Committee initiated a study into the technological, cultural, and policy issues that affect the relationships between intelligence analysts and various collection systems. The Committee believes that individual agencies' analysts currently use agency-specific systems to manage collection requirements, have little capability to task beyond their own agencies, and are often discouraged from direct contact with collection organizations, a situation that may create stovepipes and obstruct the flow of information.

The Committee has developed a better understanding of the relationships between analysts and collectors/collection systems, and has developed new insights into the depth of planning and involvement of the ODNI in collection management. The Committee is establishing a baseline understanding of technical systems which support the flow of information between analysts and collectors.

The Committee plans to explore these relationships in more depth by examining IC and individual agency policies regarding analyst communications with collectors in the field; IC and individual agency policies regarding collector communications with analysts and input into analytic assessments; the manner and specific technologies used to task collection within individual agencies and across the IC; the manner and specific technologies used to provide feedback to collectors within an agency and across the IC; and analyst interaction with collection managers.

24. National Intelligence Estimate Production Process

In 2010, the Committee initiated a research project that examined the procedural reforms put into place since 2004 in the production processes of National Intelligence Estimates (NIEs). NIEs are the most authoritative written means by which the DNI conveys to the President and other senior policymakers the judgments of the entire IC regarding national security issues. Committee staff interviewed National Intelligence Officers and their deputies, as well as analysts who had participated directly in the drafting of Estimates, Community Memoranda, and Terms of Reference. Intelligence Community officials expressed their belief that there is presently greater consistency and formality to the NIE production process than there was in the years prior to 2005, noted a variety of process improvements under consideration, and identified other areas that still require improvements.

This initial work has laid the foundation for further research in 2011 that will include interviews of policymakers, the principal customers of NIEs, and coordination with the ODNI's Director of Analytic Integrity and Standards, the office responsible for ensuring quality analysis. The Committee seeks to understand how well the reforms to the NIE process put into place since the creation of the DNI in 2004 have addressed the quality of analysis and satisfied the needs of policymakers.

25. Lessons Learned Programs

During the 111th Congress, the Committee began to review the individual intelligence agencies to determine the scope and depth of their commitment for self-examination, with an emphasis on increasing the use of lessons learned programs. The Committee believes such programs are essential to help intelligence agencies learn from their successes and mistakes, and to anticipate and be ready for new challenges. The Committee commended the CIA for establishing a Lessons Learned Program and fully supports its growth into the individual components of the CIA.

The Committee firmly believes that the IC should institutionalize the lessons learned process and develop policy supporting that effort. To that end, the Committee has encouraged the IC to increase the number and type of studies, to create web-based lesson-sharing environments, to modernize its oral history programs, and to support component-based lessons learned activities throughout the IC.

26. Measures of Effectiveness

The Committee continued to press the Intelligence Community during the 111th Congress to establish quantitative measures of effectiveness to provide insight into how effectively a program is performing. The Committee believes well-designed measures of effectiveness that accurately reflect performance and cost issues can assist decision makers in making better informed and timelier decisions.

The Committee is pleased that the IC is developing more meaningful measures of effectiveness for its programs and will continue to monitor the agencies as they refine established measures and expand them to additional programs.

27. National Collaboration Development Center

During the 111th Congress, the Committee reviewed and supported the creation of the National Collaboration Development Center (NCDC). The NCDC emphasizes the development of working relationships at the field level between U.S. officials charged with intelligence, national security, and homeland security missions. The Committee believes that participants in the NCDC learn to recognize information of national security value, and to evaluate and implement joint intelligence collection and operational opportunities as a result. The Committee strongly supports the NCDC mission of facilitating cooperation between U.S. agencies and will continue to monitor the development of the Center in the future.

28. FBI Intelligence Transformation

The Committee continued to examine efforts by the FBI to transform itself into a premier intelligence and national security organization. The Committee held hearings and briefings with FBI officials, conducted oversight visits to FBI field offices and Legal Attaches, met with

representatives of FBI-employee associations, and consulted with current and former intelligence officials regarding the strengthening of FBI intelligence and national security functions.

The Committee successfully secured additional surveillance resources for threat mitigation and intelligence collection, and has worked with the FBI to ensure the Committee has an increasingly broad view of FBI national security operations and activities, including written analysis of international terrorism and counterintelligence matters. In addition, the Intelligence Authorization Act for Fiscal Year 2010 required the DNI, in coordination with the Director of the FBI, to establish performance metrics and timetables for FBI reform initiatives. The DNI is required to submit a report on FBI reform efforts to the congressional intelligence committees on a semi-annual basis for five years.

29. Implementation of the FISA Amendments Act of 2008 and Compliance with Foreign Intelligence Surveillance Court Orders

During the 111th Congress, the Committee held three closed hearings and numerous staff briefings to review issues related to implementation of the FISA Amendments Act of 2008 and compliance with the orders of the Foreign Intelligence Surveillance Court (FISC).

In conducting its oversight, the Committee utilized reporting required under provisions in FISA and the USA PATRIOT Act Improvement and Reauthorization Act, including the annual and semi-annual reports from the Attorney General, the DNI, and relevant inspectors general. In particular, the Committee has benefited from being able to review decisions, orders, and opinions, as well as the related pleadings, applications, and memoranda of law, that include "significant construction or interpretation of any provision" of FISA that are required to be submitted to the oversight committees under 50 U.S.C. 1871(c). These documents were routinely the subject of subsequent briefings by officials of the Department of Justice and the Intelligence Community, in Committee spaces and at the relevant agencies.

Prior to the extension of the expiring FISA provisions in February 2010, the Committee acted to bring to the attention of the entire membership of the Senate important information related to the nature and significance of the FISA collection authority subject to sunset. Chairman Feinstein and Vice Chairman Bond notified their colleagues that the Attorney General and the DNI had provided a classified paper on intelligence collection made possible under the Act and that the Committee was providing a secure setting where the classified paper could be reviewed by any Senator prior to the vote on passage of what became Public Law 111-141 to extend FISA sunsets.

In addition, as part of its oversight activities, the Committee regularly reviewed the activities of the Office of Compliance of the National Security Agency. The Director of the National Security Agency in 2009 appointed a Director of Compliance, a position later established in law by Section 433 of the Intelligence Authorization Act for Fiscal Year 2010, to ensure compliance with FISC orders, as well as laws and regulations involving the privacy of U.S. persons, during the conduct of intelligence operations. The Committee believes that the

Office of Compliance has brought rigor to NSA's efforts to ensure verifiable adherence to the laws, policies, and compliance standards under which the Agency is required to operate as it conducts its mission.

30. Counterintelligence

During the 111th Congress, the Intelligence Committee held oversight hearings and briefings on the state of counterintelligence (CI) in the Intelligence Community. Specifically, the Committee held an oversight hearing on the National Counterintelligence Executive's (NCIX) policies and efforts to unify CI practices across the Intelligence Community, as well as efforts by the FBI to combat the activities of foreign intelligence organizations in the United States. Additionally, the Committee was briefed by the FBI on their efforts to uncover and dismantle a ring of Russian spies operating in the United States. The Committee will continue to focus on how the Intelligence Community can enhance and unify counterintelligence efforts among the intelligence agencies in the 112th Congress.

Additionally, the Committee reviewed issues related to the NCIX's internal management, community acquisition practices, and ways to enhance the timely production of damage assessments by the NCIX. Committee staff met with DNI Blair's National Counterintelligence Review Group (NCIRG) in March 2009. The NCIRG, which was chaired by former FBI Director Louis Freeh, solicited the Committee's views and input on how to best elevate the Intelligence Community's counterintelligence policy, operations, and training in the coming years.

In September 2009, Robert M. Bryant was named the third National Counterintelligence Executive. Later, Douglas Thomas was selected to be the Deputy National Counterintelligence Executive. During the course of the 111th Congress, Committee staff met repeatedly with these two officials and their staff to discuss pending counterintelligence issues, and will continue to do so in the next Congress.

31. Unauthorized Disclosure of Classified Information

The Committee continued its vigorous oversight of the Intelligence Community's efforts to address unauthorized disclosures of classified information. In furtherance of this effort, the Committee held a hearing with Attorney General Holder, FBI Director Mueller, and former DNI Blair on how to best address the damaging nature of leaks of classified information. Additionally, the Committee conducted multiple oversight briefings with the Office of the Director of National Intelligence and the Department of Justice on their collective efforts to stem leaks of classified information. To keep the intelligence committees better informed of the IC's efforts, in September 2010, DNI Clapper agreed to provide the Committee with additional information on leaks of classified information.

This agreement includes notifying the Committee of any serious and significant leak of classified information to the media, including if and when an IC element has reported and

referred the matter to the Department of Justice; notifying the Committee if administrative sanctions are imposed upon any IC employee for the unauthorized disclosure of classified material; and, finally, at the beginning of each calendar year, the Department of Justice will provide the Committee the number of leak matters reported to the Attorney General by the IC and the number of matters referred to the originating agencies for administrative action.

Additionally, the Committee's review of unauthorized disclosures identified a number of ways to combat future potential releases of classified information. These include consideration of enhanced resources for the auditing and monitoring of information technology systems handling classified information; strengthening laws prohibiting unauthorized disclosure of classified information; and ensuring proper implementation of the "need to know" principle with respect to the sharing of classified information.

The Committee also held a hearing on the Wikileaks organization and the principle of "need to know." Wikileaks is an international organization that has published improperly obtained classified material including approximately 77,000 tactical and situational reports relating to U.S. military activities in Afghanistan, some of which included sensitive intelligence information; nearly 400,000 US military cables on the Iraq War, which included intelligence assessments and operational information; and some 250,000 U.S. State Department cables, which highlight various aspects of the United States global diplomatic efforts and intelligence matters.

The Committee's review of Wikileaks and other unauthorized releases of classified information raised concerns about how the Intelligence Community is balancing the "need to know" with efforts to share information more broadly, and its ability to identify anomalous activities by its employees. The Committee in the 112th Congress will use information gained from oversight of these issues to determine whether additional statutory or policy changes are necessary to help protect information vital to U.S. national security.

32. Covert Action

Under the National Security Act, the DNI shall keep the congressional intelligence committees fully and currently informed of all covert actions that are the responsibility of, are engaged in by, or are carried out for or on behalf of any department or agency of the United States, including significant failures. The National Security Act defines a covert action to be "an activity of the United States Government to influence political, economic, or military conditions abroad, where it is intended that the role of the U.S. Government will not be apparent or acknowledged publicly." The DNI is responsible for furnishing the committees with any information concerning covert actions that is in the possession of any U.S. Government entity and which is requested by either intelligence committee in order to carry out its responsibilities. The only qualification on this reporting responsibility is due regard for protection from unauthorized disclosure of classified information relating to sensitive intelligence sources and methods or other exceptionally sensitive matters.

Throughout the 111th Congress, the Committee continued to conduct rigorous oversight of

covert action programs. In accordance with Committee rules, these reviews occur on a quarterly basis. Every quarter, the Committee receives a written report on each covert action that is being carried out under a presidential finding. Committee staff then devotes several sessions to review with Intelligence Community personnel the reports on each subject, and often pose follow up questions and receive further briefings or written answers. The Committee also holds quarterly hearings on covert action programs and often holds other hearings and briefings on these programs on a more frequent basis.

The Committee reviewed covert action programs to ensure their means and objectives were consistent with United States foreign policy goals, and conducted in accordance with all applicable U.S. laws. The Committee pursues its oversight responsibilities for covert action with the understanding that these programs can be a significant factor in accomplishing foreign policy objectives.

In 2009, the National Security Council led a review of all ongoing covert action programs. The Committee held closed hearings at which the results of this review were discussed.

At an open hearing in 2010, Senator Feinstein noted that "the CIA IG conducts a detailed review on each authorized covert action program every three years", and asked the new CIA IG nominee if he planned to continue this practice. The nominee, David Buckley, replied that "while a routine, every-three-years audit will obviously get some coverage of each of the covert actions, I'm also open to reviewing a covert action twelve months later if that's what's required to make sure things stay on track." The Committee routinely receives the results of the reviews that Mr. Buckley mentioned, and often follows up by examining the issue in committee hearings or via staff inquiries.

33. Counterproliferation

The Committee continues to conduct oversight on the IC's counterproliferation collection and analysis. The Committee staff also met regularly with the National Counterproliferation Center (NCPC) and components in the intelligence agencies which handle proliferation issues to receive updates. In particular, the Committee has strongly supported NCPC's work on performance budgeting, which has been an exemplar for performance budgeting in the IC.

34. Research and Development

Recent studies sponsored by the Intelligence Community and the Committee concluded that the Intelligence Community must dramatically increase funding for research and development in order to develop new capabilities that will provide unique and actionable intelligence to U.S. decision-makers in the future. The Committee recommended in the report accompanying the Intelligence Authorization Act for Fiscal Year 2010 that the Intelligence Community should invest proportionately more on a broad portfolio of longer term research and

development projects with the potential for high-impact effects on intelligence collection and analysis. To that end, the Committee strongly supported additional funding for the new Intelligence Advanced Research Projects Activity, a dedicated, community-wide research activity created to take great scientific risks with the hope of reaping great technological rewards for the Intelligence Community.

35. Technical Advisory Group Reviews

The Committee's Technical Advisory Group (TAG) is comprised of distinguished experts in various scientific disciplines who volunteer their time to assist the SSCI in reviewing the technological needs and programs of the Intelligence Community.

In 2009, the TAG conducted reviews of cybersecurity policy, operations, and research and development. The TAG's studies have supported the Committee's intelligence oversight activities and helped to inform the debate over appropriate U.S. policy for cybersecurity. The TAG studies also identified problems with the government's ability to attract and retain a skilled and trained cyber work force. To help address this problem, the Intelligence Authorization Act for Fiscal Year 2010 requires the DNI to submit a plan for recruiting, retaining, and training qualified personnel for cybersecurity work within the Intelligence Community.

In 2010, the TAG conducted a year-long review of planned investment in electro-optical satellite collection systems. The TAG found flawed processes and results from the earliest stage of the requirements process, through the analysis of alternatives, and into the selection and design phases. The study group members judged the technical justification for the proposed system fell far short of the standard they expected from an investment of this magnitude. Moreover, the depth of engineering analysis, documentation, and clarity of Executive Branch presentations all fell short of contemporary common practices demanded of analogous systems in the scientific arena and in the private sector. The TAG recommended the IC pursue alternative satellite constellations than currently planned and more rigorous external engineering and technical peer review for all satellite acquisitions. The Committee continues to pursue these TAG recommendations to ensure the IC pursues the most cost-effective solution for its electro-optical satellite requirements.

36. Commercial Imagery

During the 111th Congress, the Committee reviewed issues related to the acquisition, management, security, dissemination, and use of commercially acquired imagery and the government's role in supporting the domestic commercial satellite industry. The Secretary of Commerce, through the National Oceanic and Atmospheric Administration (NOAA), licenses and regulates the U.S. commercial remote sensing space industry, pursuant to the Land Remote Sensing Policy Act of 1992. At the same time, elements of the IC acquire and use domestic and foreign commercial imagery from a variety of sources, in the conduct of their intelligence missions. The Committee will continue to focus on how the IC acquires and manages the tasking, processing, exploitation, and dissemination (TPED) of commercial imagery as means of

fulfilling its intelligence collection requirements.

37. Defense Attaché System

The Committee continued its oversight of the Defense Attaché System (DAS), which is managed by the Defense Intelligence Agency (DIA). As a result of Committee actions, the Director of the DIA and the Director of National Intelligence agreed to begin routine notifications of the Congress when attaches are dismissed for other than health-related, family and compassionate reasons. The Committee staff also found that too many attaches are not sufficiently conversant in the languages, cultures, and traditions of the countries to which they are assigned. While the Committee staff found a preponderance of individual attaches exceptionally qualified and thoroughly productive, many others were ill-suited and underprepared. Additionally, the Committee sought to enhance the security and capability of the DAS information technology systems and programs. The Committee has worked with the DIA's Defense Counterintelligence and HUMINT Center (DCHC) and the DIA Chief Information Officer to identify resource requirements and specific locations for improving secure communications.

38. Oversight of Department of Homeland Security Intelligence Activities

The Committee continued its oversight of the development of the DHS Office of Intelligence and Analysis (I&A). The Committee continues to have concerns over I&A's personnel situation and related budget issues, as well as the quality of the analysis performed at I&A. Close to half of I&A's personnel during the 111th Congress were contractors and approximately a third of its government positions have remained unfilled for years; nonetheless, I&A has continued to request additional positions in its budget submissions. As contractors on average cost significantly more than government employees, the Committee believes that I&A needs to improve its personnel recruitment and retention efforts, and hire for the unfilled positions before requesting additional personnel.

Further, the Committee notes that I&A still needs to refine the scope and quality of its finished intelligence products. In particular, the strategic products produced by I&A often do not appear to meet the tactical and operational needs of the individual DHS components. The Committee will continue to review I&A's efforts to better meet the needs of its customers and acquire the appropriate personnel to perform its mission.

39. Intelligence Community Facilities

The Committee continues to examine issues related to the design, construction, renovation, use, lease negotiation, and lease termination of facilities owned and leased by the IC. With the growth of the IC workforce following the 9/11 attacks, and the decrease in facilities caused in part by the Base Realignment and Closure recommendations of 2005, space suitable for IC agencies especially in the National Capitol Region is in increasingly short supply.

To address these issues, the Committee met with numerous IC facilities managers, financial officers, and IT professionals to review the status of IC facilities. The Committee found that standards for sizes of individual and common area work spaces vary greatly from agency to agency and within agencies, costs per square foot vary widely for similar facilities in similar locations, and agency strategies for future space development and management have not been coordinated within their agencies and across the IC.

The Committee will continue to review the IC's efforts to develop common facilities standards where applicable, to conduct strategic management of properties through their needed lifecycle, and to determine appropriate performance measures for adequate use of space across the IC.

40. Diplomatic Telecommunications Service Program Office

The Committee continues to monitor the operation of the Diplomatic Telecommunications Service Program Office (DTS-PO) to ensure it is meeting the communication needs of all United States government agencies and departments operating from diplomatic and consular facilities abroad, including the needs of agencies with national security missions for secure, reliable and robust communication capabilities. During the 111th Congress, the Committee identified organizational changes that will strengthen DTS-PO including reorganizing that office, establishing a Diplomatic Telecommunications Service Governance Board, funding DTS-PO on a two-year fiscal schedule, and permitting DTS-PO to charge fees for its services. The Committee included provisions to implement these reforms in the Intelligence Authorization Act for Fiscal Year 2010.

D. Financial Accounting, Inspectors General, and Audits

The Committee's rules provide that within its staff there "shall be an element with the capability to perform audits of programs and activities undertaken by departments and agencies with intelligence functions. Such element shall be comprised of persons qualified by training and/or experience to carry out such functions in accordance with accepted auditing standards." The functions described in this rule were performed during the 111th Congress by the Committee's Oversight Team. The Oversight Team also was responsible for the Committee's oversight of the IC's compliance with financial accounting standards and was the Committee element responsible for reviewing the work and performance of the various IGs whose work includes or covers the Intelligence Community.

1. Compliance with Federal Financial Accounting Standards

The Committee has a long history of oversight and reform efforts in financial management. The Committee has emphasized the importance of achieving auditable financial statements, dating back to the Committee's Fiscal Year 2002 Intelligence Authorization bill. That bill called for the NRO, NSA, CIA, DIA, and what is now called the NGA to produce auditable financial statements by March 1, 2005. Since that time, the Committee has been continuously engaged in

a dialogue with the IC on financial auditability and on the modern business systems that are necessary to sustain auditability. The Committee has also played a central role in encouraging elements of the IC to ensure that they properly estimate costs and budget for the programs they are pursuing.

To date, the NRO is the only one of the IC agencies required to produce auditable financial statements that has achieved what appears to be a sustainable opinion with no qualifications from its independent auditors. The Chairman and Vice Chairman officially congratulated the NRO in a December 2009 letter and urged the NRO to help lead other IC agencies toward auditability. The CIA has submitted its financial reports to an independent auditor but has received a disclaimer of opinion due to the inability of the auditor to gather certain relevant facts. The NSA, DIA, and NGA are still not even prepared to submit their financial reports to independent audit.

During the 111th Congress, Committee staff analyzed these agencies' annual financial reports and met with each of the agencies' Chief Financial Officers (CFOs) to discuss this analysis. Most of these annual financial reports showed some improvement in quality and forthrightness, but still reflected insufficient progress toward auditability. The NSA's annual financial report was the exception, in that it showed no apparent improvement. In particular, the Committee was concerned about the failed implementation of NSA's new financial system. An NSA Inspector General report found that this system was put into operation before it was adequately tested and that operators were not properly trained to use it. The NSA also made $7 million in duplicative invoice payments, and the agency could not successfully reconcile its financial books at the end of fiscal year 2008. Further, a July 2008 Army Finance Command report, referenced by the NSA IG, found that the NSA's accounting system was in violation of public laws, Treasury Department financial manuals, and DoD regulations, and was inconsistent with the Federal Managers Financial Integrity Act. Accordingly, staff held meetings with the NSA's Inspector General in 2009, as well as with the NSA's Chief Financial Executive, to understand this problem, its implications, and prospects for improvement.

In March 2009, the Chairman and Vice Chairman sent a letter to the new DNI expressing their discontent with the state of financial accounting in the IC and urging him to "take strong and decisive action to see that appropriate reforms and oversight controls are in place as soon as possible." In particular, the letter expressed alarm at the breakdown in internal controls at the NSA following its attempts to implement its commercial, off-the-shelf accounting system. The letter lent the Committee's support to the DNI's fledgling Business Transformation Office (BTO), but cautioned that the BTO's work must not delay sorely-needed improvements to internal controls. These controls are critical to preventing millions of dollars of potential fraud, waste, and abuse, as well as providing reliable business information for sound decision-making. The Chairman and Vice Chairman requested several specific actions to promote progress and ensure careful oversight. These included:

- Briefing the Committee on a Business Enterprise Architecture framework by July 31, 2009;

- Presenting an initial Business Enterprise Architecture to the Committee by December 31, 2009;

- Providing monthly updates on progress in staffing the new BTO; and

- Explaining changes to the DNI's April 2007 financial auditability plan and apprising the Committee on progress with respect to this revised plan.

In June 2009, the Director of NSA wrote to the Chairman and Vice Chairman, claiming that the NSA was now "fully compliant with the laws, regulations, and manuals" referenced in the U.S. Army Finance Command report and the Federal Financial Managers Integrity Act. The NSA Director's letter also stated that the NSA had been able to reconcile its fiscal year 2008 financial records. In July 2009, the Chairman and Vice Chairman wrote to the Secretary of Defense concerning the NSA Director's letter. They stated that in light of the NSA's past difficulties in producing auditable financial statements, the Committee believed the progress claimed by the NSA should be independently confirmed by the DoD Inspector General. Specifically, the letter requested that the DoD IG conduct a form and content review of the NSA's fiscal year 2009 financial statements to determine whether they were supported by reliable and accounting data and supporting information.

The Committee received the results of the DoD IG's review in November 2009, which was very critical of NSA's claims. Overall, the IG found that the NSA's financial statements were not adequately supported by reliable accounting data and supporting information. An even more disturbing finding was that the NSA's "remediation plans do not fully address audit impediments." Specific findings included an inability to reconcile critical general ledger balances, failure to perform required accounting processes, and inconsistencies between the information contained in the notes to the financial statements and the information provided to the IG. The IG's findings raised serious questions about the assertions made by the NSA Director in his June 2009 letter and the support he is receiving from the administrative staff involved. During a meeting with Committee staff in August 2009, the NSA Deputy Director committed to ensure a new level of senior management attention to the NSA's financial practices.

Throughout the 111th Congress, Committee staff met frequently with the ODNI to discuss financial auditability and business transformation. As requested in the Committee's March 2009 letter, the IC CFO presented to Committee staff the DNI's framework for the Business Enterprise Architecture. Also as requested in the March 2009 letter, the ODNI CFO presented quarterly progress reports to Committee staff on the CFO's revised auditability plan. Committee staff has provided feedback to the ODNI on these progress reports, as well as on the ODNI's progress reports on BTO staffing.

In 2010, Committee staff became aware of an internal ODNI staff report that estimated that $2 billion could be saved over ten years by consolidating business systems and standardizing processes throughout the IC. Committee staff met with ODNI and OMB staff to review this report and urge the Administration to take aggressive steps to maximize savings and efficiencies.

While IC officials expressed little confidence in the exact amount that could be saved, senior IC officials did concede that substantial savings and increased efficiencies would result from consolidation. Committee efforts in this area subsequently focused on encouraging the IC to align programs and budgets to achieve these savings and efficiencies.

In addition to extensive oversight interaction with the IC on financial management, the Committee legislated reforms to promote financial auditability, business transformation, and sound budgetary policy in the Fiscal Year 2010 Intelligence Authorization Act, Pub. L. 111-259.

Section 322 on "Business System Transformation" requires that no funds may be obligated for IC business systems that cost over $3 million unless the DNI certifies that the acquisition complies with the approved business enterprise architecture. This will ensure that the IC follows a "best business practice" of having a business enterprise architecture and only building systems that conform to it. These business systems are important for producing auditable financial statements.

Section 368, "Correcting Long-standing Material Weaknesses" requires the head of an intelligence agency to name a senior management official who is responsible for correcting long-standing, correctable material weaknesses, as identified in the agencies' annual financial reports. This is intended to ensure accountability for fixing long-standing problems that have a high risk of resulting in waste, fraud, and abuse, and impede an agency's ability to produce auditable financial statements.

P.L. 111-259 also contained important budget reform provisions that will make IC processes more coherent and ensure that large acquisition programs are affordable before they are initiated.

Section 406, "Chief Financial Officer of the Intelligence Community," establishes a DNI-appointed CFO of the IC to be the principal resource advisor to the DNI and to carry out duties described in the CFO Act. It also requires the CFO to be involved in strategic planning and requirements development, processes which in the past have resulted in unrealistic resource commitments. This provision will better empower the DNI to conduct his budgetary responsibilities, and it will clarify the budgetary decision-making within the ODNI and the IC.

Section 325, "Future Budget Projections" requires the IC to produce five year budget plans with a moderate amount of detail and projections for the subsequent five year period with less detail. When the IC starts a new acquisition, it will be required to assess what impact the new acquisition will have on this ten year financial projection. The DNI will be required to submit this assessment before the President submits the first budget for the new acquisition and must update it whenever the law requires an Independent Cost Estimate of the acquisition. This provision will ensure that the IC considers the long-term financial consequences of near-term budget decisions. The Committee hopes that enactment of this provision will help end the IC's poor record of spending billions of dollars to start acquisition programs that it cannot afford to finish.

Additionally, the Committee included in the unclassified report to accompany the Intelligence Authorization Act for Fiscal Year 2010 an assessment of the IC's progress in performance budgeting and encouraging the IC to make further progress in specified areas. The Committee continues to believe that the Intelligence Community can better achieve its national security mission by further use of performance budgeting.

2. Oversight of Intelligence Community Inspectors General

During the 111th Congress, the Committee continued both to utilize the work of the IGs of the IC and to promote the responsibilities and authorities of these offices. The Committee reviewed IG products, including audit reports, inspection reports, reports of investigation, and semi-annual reports of IG activities; conducted numerous visits to IG offices for updates on plans and procedures; and attended and participated in IG conferences. The Committee used information gained through review of IC IG products in its own oversight of the Intelligence Community, and raised IG recommendations with the senior leadership of IC agencies.

As noted in Section II A, the Intelligence Authorization Act for Fiscal Year 2010 included provisions to add the IGs of the NRO, NSA, NGA, and DIA to Section 8G of the Inspector General Act of 1978. This statutory designation provides these IGs with additional authorities to conduct investigations including the ability to compel production of information. The Act also included a provision amending the National Security Act of 1947 to establish a statutory charter for the DNI IG.

3. Audit of Intelligence Community Acquisition Practices

During the 111th Congress, the oversight staff completed an audit on the Intelligence Community Acquisition Processes which had begun during the 110th Congress. The audit focused on the role of the DNI in overseeing the IC's acquisition processes and how the NSA, NGA, NRO, and CIA managed and conducted acquisitions for their agencies. This audit found that, although the ODNI had provided valuable oversight and has placed additional emphasis on improving IC acquisition practices, significant problems remain in how the IC agencies acquire technology and equipment necessary for their missions.

The audit found that the senior managers within the IC agencies were not appropriately focused on acquisition issues; the IC did not have enough experienced acquisition professionals to oversee billions of dollars in annual acquisitions; and the IC needed better management, training, and career planning for its workforce. In addition, the audit raised serious concerns about the role of contractors in overseeing acquisitions; the insufficient government monitoring of contractor performance and the need to better incentivize contractor performance; and the need to improve contract audit services. The final audit report contained recommendations on how to improve acquisition in the Intelligence Community. The Committee discussed implementation of these recommendations with the ODNI and IC agencies. The Committee will

continue to follow the IC's implementation of these recommendations and its overall acquisition performance in coming years.

IV. NOMINATIONS

During the 111th Congress, coinciding with the beginning of a new Administration, fourteen nominations were referred to the Committee, twelve directly upon receipt of the nomination in the Senate and two sequentially after referral to and reporting by another committee. The Committee held hearings for eleven of the thirteen pending nominees[1] and recommended to the Senate that it give its advice and consent to each of the pending nominations. The Senate in the 111th Congress confirmed all twelve of the individuals recommended by the Committee.

Throughout the 111th Congress, referrals to the Committee were governed by Section 17 of S. Res. 400 of the 94th Congress, which had been added by S. Res. 445 of the 108th Congress and was further augmented during the 109th Congress. As a result of S. Res. 445, all nominations to advice and consent positions in the Intelligence Community are referred to the Select Committee on Intelligence, even when they are positions—such as the Assistant Attorney General for National Security—that are within departments which are primarily under the jurisdiction of other Senate committees.

Four of the nominations received by the Committee were for positions created by the Intelligence Reform Act of 2004: the DNI; the Principal Deputy DNI; the General Counsel of the ODNI; and the Chief Information Officer of the ODNI. One other nomination, the position of Assistant Attorney General for National Security, was established by the USA PATRIOT Improvement and Reauthorization Act of 2005 (March 9, 2006).

A primary task of the Committee during the 111th Congress has been to examine in detail the responsibilities of these relatively new leadership positions in the IC. The Committee accomplished this not only through questioning the nominees at their confirmation hearings but also through extensive prehearing questions, the responses to which have been or will be printed in the hearing volumes for these nominations, where applicable. Through the nomination process and its traditional oversight, the Committee has been able to assess the unique role and contributions of each position within the Intelligence Community.

The following were the nominations referred to the Committee during the 111th Congress, listed in accordance with the date of the nomination:

A. DENNIS C. BLAIR, DIRECTOR OF NATIONAL INTELLIGENCE

[1] The nomination of Philip Mudd, to be Undersecretary for Intelligence and Analysis, Department of Homeland Security, was withdrawn prior to the hearing scheduled on his nomination. The Committee did not hold hearings on the nomination of Priscilla Guthrie to be the Chief Information Officer and the nomination of S. Leslie Ireland to be the Assistant Secretary of the Treasury for Intelligence and Analysis.

The Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA) created the position of the DNI and assigned to the DNI the responsibility of serving as the head of the Intelligence Community and acting as the principal adviser to the President for intelligence matters relating to national security. IRTPA provides that any individual nominated to be appointed as the DNI shall have extensive national security experience. Among the position's duties and responsibilities, the DNI is charged with determining the annual National Intelligence Program budget and ensuring the effective execution of it. The DNI is to determine requirements and priorities for the collection, analysis, and dissemination of national intelligence. The DNI shall ensure compliance with the Constitution and laws by the CIA and, through their host departments, by the other elements of the Intelligence Community.

On January 9, 2009, the President-elect announced he would nominate retired Admiral Dennis C. Blair to be the DNI. Admiral Blair had served as Commander in Chief, U.S. Pacific Command, the largest of the combatant commands. During his 34-year career, Admiral Blair served on guided missile destroyers in both the Atlantic and Pacific fleets and commanded the Kitty Hawk Battle Group. He served as Director of the Joint Staff and as the first Associate Director of Central Intelligence for Military Support at the CIA. He also served in budget and policy positions on the National Security Council and several major Navy staffs. From 2003 to 2006, Admiral Blair was President and CEO of the Institute for Defense Analyses. He was also the John M. Shalikashvili Chair in National Security Studies at the National Bureau of Asian Research, and the Deputy Director of the Project on National Security Reform, an organization that analyzes the U.S. national security structure and develops recommendations to improve its effectiveness. A 1968 graduate of the U.S. Naval Academy, Admiral Blair earned a master's degree in History and Languages from Oxford University as a Rhodes Scholar, and served as a White House Fellow at the Department of Housing and Urban Development.

After receiving Admiral Blair's responses to the Committee's standard questionnaire and responses to the Committee's prehearing questions about his understanding of the duties and responsibilities of the office to which he had been nominated, the Committee held a nomination hearing on January 22, 2009. Admiral Blair's testimony and his responses to the Committee's questionnaire, prehearing questions, and questions for the record are printed in S. Hrg. 111–125. The Committee reported the nomination favorably on January 28, 2009, by a vote of 15–0. The Senate confirmed Admiral Blair's appointment to be DNI on January 28, 2009, by a voice vote.

DNI Blair resigned from this position on May 28, 2010.

B. LEON E. PANETTA, DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY

On January 30, 2009, the President nominated Leon E. Panetta to be the Director of the Central Intelligence Agency. Prior to his confirmation, Mr. Panetta was the founder and the Director of the Leon and Sylvia Panetta Institute for Public Policy at California State University – Monterey Bay.

Mr. Panetta majored in political science at Santa Clara University where he graduated

magna cum laude in 1960. In 1963, Mr. Panetta received his juris doctorate from Santa Clara University as well. After law school, he served in the U.S. Army from 1964 to 1966 and attended the Army Intelligence School.

In 1966, Mr. Panetta joined the Washington, D.C., staff of Senator Thomas Kuchel of California. In 1969, he served as director of the Office of Civil Rights in the Department of Health, Education and Welfare in the Nixon Administration. From 1970 to 1971, he worked as the Executive Assistant to New York City Mayor John Lindsay. Afterwards, he returned to Monterey to practice law. In 1976, Mr. Panetta ran and won election to the House of Representatives where he served for 16 years. During that time, he also served as Chairman of the House Budget Committee.

In 1993, he joined the Clinton Administration as head of the Office of Management and Budget. In July 1994, Mr. Panetta became President Clinton's Chief of Staff. He served in that capacity until January 1997, when he returned to California to found and lead the Leon and Sylvia Panetta Institute for Public Policy at California State University – Monterey Bay.

After receiving Mr. Panetta's responses to the Committee's standard questionnaire, and responses to the Committee's prehearing questions about his understanding of the duties and responsibilities of the office to which he had been nominated, the Committee held a nomination hearing on February 5 and 6, 2009. Mr. Panetta's testimony and his responses to the Committee's questionnaire, prehearing questions, and questions for the record are printed in S. Hrg. 111–172. The Committee reported the nomination favorably on February 11, 2009, by a vote of 15-0. The Senate confirmed Mr. Panetta's appointment to be Director of the CIA on February 12, 2009, by a voice vote.

C. DAVID S. KRIS, ASSISTANT ATTORNEY GENERAL FOR NATIONAL SECURITY, DEPARTMENT OF JUSTICE

The National Security Division at the Department of Justice and the position of Assistant Attorney General for National Security were created by Congress in the USA PATRIOT Improvement and Reauthorization Act of 2005, which became law on March 9, 2006, in an effort to coordinate national security investigations and prosecutions within the Department of Justice. The Assistant Attorney General (AAG) serves as the Attorney General's principal legal advisor on national security issues and is the primary liaison for the Department of Justice to the DNI.

On February 11, 2009, the President nominated David S. Kris to fill the position of AAG for National Security. Prior to his confirmation, Mr. Kris served as Senior Vice President and Deputy General Counsel and Chief Compliance Officer of Time Warner, Inc. Previously, he was a career attorney at the U.S. Department of Justice, where he rose from attorney in the Criminal Division (Appellate Section), 1999-2000, to Associate Deputy Attorney General with national security responsibilities, 2000-2003. He is co-author of the treatise *National Security Investigations and Prosecutions* (2007) and a recognized expert on the Foreign Intelligence and Surveillance Act of 1978. He was a law clerk for Judge Stephen Trott of the U.S. Court of

Appeals for the Ninth Circuit. Mr. Kris is a graduate of Haverford College and received his J.D. from the Harvard Law School.

Under a procedure established in the PATRIOT Act Reauthorization, and incorporated in Senate Resolution 400 of the 94th Congress on the Committee's jurisdiction and procedures, nominations for the position of Assistant Attorney General for National Security are referred first to the Judiciary Committee and then sequentially to the Intelligence Committee. The nomination was reported favorably by the Judiciary Committee on March 5, 2009. It was then referred sequentially to this Committee.

After receiving Mr. Kris's responses to the Committee's standard questionnaire, and responses to the Committee's prehearing questions about his understanding of the duties and responsibilities of the office to which he had been nominated, the Committee held a nomination hearing on March 10, 2009. Mr. Kris's testimony and his responses to the Committee's questionnaire, prehearing questions, and questions for the record are printed in S. Hrg. 111-163. The Committee reported the nomination favorably on March 12, 2009, by a vote of 15-0. The Senate confirmed Mr. Kris's appointment to be Assistant Attorney General of National Security on March 25, 2009, by a vote of 97-0.

Mr. Kris has announced his intention to resign this position on March 4, 2011.

D. PRISCILLA E. GUTHRIE, CHIEF INFORMATION OFFICER OF THE INTELLIGENCE COMMUNITY

On April 20, 2009, the President nominated Priscilla E. Guthrie to be the Chief Information Officer of the Intelligence Community. Prior to her confirmation, Ms. Guthrie served as the Director of the Information Technology and Systems Division at the Institute for Defense Analyses, a non-profit corporation that administers three federally funded research and development centers to provide objective analyses of national security issues.

From 2001 to 2006, Ms. Guthrie served as Deputy Assistant Secretary of Defense (Deputy Chief Information Officer) at the Department of Defense, where she was responsible for information support to deployed forces. Prior to her position at the Pentagon, Ms. Guthrie was a Vice President of TRW, Inc. (now part of Northrop Grumman), where she established and led a small, global unit responsible for driving new IT technology into the company's businesses. She also served in several other positions at TRW, Inc. during her career. At the time of her nomination, Ms. Guthrie was also a member of the Strategy Advisory Group for USSTRATCOM, where she chaired the Cyber Panel, Chair of the NSA NC2 Review, and Chair of the Penn State Leonhard Center for Engineering Excellence Advisory Board. Ms. Guthrie holds a B.S. from Pennsylvania State University and an M.B.A. from Marymount College.

After receiving Ms. Guthrie's responses to the Committee's standard questionnaire, and responses to the Committee's prehearing questions about her understanding of the duties and responsibilities of the office to which she had been nominated, the Committee reported the nomination favorably on May 19, 2009, by voice vote. Ms. Guthrie's responses to the

Committee's questionnaire and additional questions were posted to the Committee's website. The Senate confirmed Ms. Guthrie's appointment to be Chief Information Officer of the Intelligence Community on May 21, 2009, by voice vote.

Ms. Guthrie resigned from this position on November 19, 2010.

E. ROBERT S. LITT, GENERAL COUNSEL OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

On April 28, 2009, the President nominated Robert S. Litt to be the General Counsel of Office of the Director of National Intelligence. Prior to his confirmation, Mr. Litt was a partner at the law firm of Arnold & Porter, since 1999, where his practice included representation of current and former government officials in national security matters, including congressional investigations. Mr. Litt served at the Department of Justice as Principal Associate Deputy Attorney General from 1997 to 1999, and earlier served as Deputy Assistant Attorney General for the Criminal Division and as an Assistant U.S. Attorney. He also served as Special Advisor to the Assistant Secretary of State, Europe. From 1984 to 1993, Mr. Litt was a partner and associate at the law firm of Williams and Connelly. He held clerkships with Justice Potter Stewart and Judge Edward Weinfeld of the Southern District of New York. Mr. Litt is a graduate of Harvard University and Yale Law School.

After receiving Mr. Litt's responses to the Committee's standard questionnaire, and responses to the Committee's prehearing questions about his understanding of the duties and responsibilities of the office to which he had been nominated, the Committee held a nomination hearing on May 21, 2009. Mr. Litt's testimony and his responses to the Committee's questionnaire, prehearing questions, and questions for the record are printed in S. Hrg. 111–558. The Committee reported the nomination favorably on June 11, 2009, by a vote of 8-1. The Senate confirmed Mr. Litt's appointment to be General Counsel of the ODNI on June 25, 2009, by voice vote.

F. PHILIP MUDD, UNDERSECRETARY OF INFORMATION AND ANALYSIS, DEPARTMENT OF HOMELAND SECURITY

On May 5, 2009, the President nominated Philip Mudd to be Undersecretary of Information and Analysis, Department of Homeland Security. Prior to his nomination, Mr. Mudd served as the Associate Executive Assistant Director, National Security Branch, at the FBI. Prior to his arrival at the FBI, Mr. Mudd served as Deputy Director of the CIA's Counter Terrorism Center (CTC), a position to which he was appointed in December 2003. In his capacity as the Deputy Director, CTC, Mr. Mudd was responsible for overseeing operational, analytical, and support programs in the Center.

Mr. Mudd joined the CIA in 1985 as a leadership analyst responsible for South Asian issues and continued as a political analyst specializing in South Asia until the early 1990s. He first shifted to work at CTC during 1992-1995, focusing largely on terrorism in the Middle East in general, with an emphasis on Iranian state-sponsored terrorism. He later joined the National

Intelligence Council for a tour as Deputy National Intelligence Officer for Near East and South Asian issues. Mr. Mudd worked as the Executive Assistant to the CIA's Associate Deputy Director for Intelligence in 1998-1999 and then spent two years as chief of CIA's analytic group directed against Iraq. From February 2001 to January 2002, he was the Director for Gulf Affairs Near East and North African Affairs at the National Security Council. He then returned to become the Deputy Director of the Office of Terrorism Analysis, the analytic arm of the CTC.

Mr. Mudd was presented the Director's Award by the Director of Central Intelligence in July 2004 for his leadership, extraordinary fidelity, and essential service. In November 2002, Mr. Mudd received the William L. Langer Award for his deep substantive expertise and outstanding talents as a leader. Mr. Mudd has also received the CIA's Distinguished Intelligence Medal and the George H. W. Bush Award for Excellence in Counterterrorism.

Mr. Mudd earned a Master of Arts in English Literature from the University of Virginia (1984), with a specialty in fiction from the Victorian era, and a Bachelor of Arts in English Literature from Villanova University (1983).

After receiving Mr. Mudd's responses to the Committee's standard questionnaire and responses to the Committee's prehearing questions about his understanding of the duties and responsibilities of the office to which he had been nominated, the Committee was informed on July 6, 2009, that the nomination of Mr. Mudd was withdrawn.

G. Stephen W. Preston, General Counsel of the Central Intelligence Agency

Under section 403t of title 50, United States Code, the General Counsel of the Central Intelligence Agency is the chief legal officer of the CIA. The General Counsel shall perform such functions as the Director of the CIA may prescribe.

On May 11, 2009, the President nominated Stephen W. Preston to be the General Counsel of Central Intelligence Agency. Prior to his confirmation, Mr. Preston served as a partner at the law firm of Wilmer Cutler Pickering Hale and Dorr LLP, from 2001. Previously, from 1993 to 2000, he had served as the General Counsel of the Department of Navy, the Deputy Assistant Attorney General, Civil Division, of the Department of Justice, and the Acting General Counsel and Principal Deputy General Counsel, the Department of Defense. He clerked for Judge Phyllis A. Kravitch, U.S. Court of Appeals for the Eleventh Circuit. He is a graduate of Yale University and the Harvard Law School.

After receiving Mr. Preston's responses to the Committee's standard questionnaire, and responses to the Committee's prehearing questions about his understanding of the duties and responsibilities of the office to which he had been nominated, the Committee held a nomination hearing on May 21, 2009. Mr. Preston's testimony and his responses to the Committee's questionnaire, prehearing questions, and questions for the record are printed in S. Hrg. 111–558. The Committee reported the nomination favorably on June 11, 2009, by a vote of 14-1. The Senate confirmed Mr. Preston's appointment to be General Counsel of the CIA on June 25, 2009,

by voice vote.

H. DAVID C. GOMPERT, PRINCIPAL DEPUTY DIRECTOR OF NATIONAL INTELLIGENCE

The Intelligence Reform and Terrorism Prevent Act of 2004 (IRTPA) established the position of Principal Deputy Director of National Intelligence (PDDNI) to assist the DNI in carrying out the duties and responsibilities of the Director under the National Security Act. The Act provides that the PDDNI shall exercise the powers of the DNI during the DNI's absence or disability, or in the event of a vacancy. It also provides that an individual nominated for appointment as PDDNI shall not only have extensive national security experience (a requirement applicable to the DNI as well) but also management expertise. The Act contains a "sense of the Congress" that under ordinary circumstances, one of the persons serving as DNI or PDDNI shall be a commissioned officer in active status or have, by training or experience, an appreciation of military intelligence.

On August 6, 2009, the President nominated David C. Gompert, to be the third PDDNI. Prior to his confirmation, Mr. Gompert was a Senior Fellow at the RAND Corporation. Prior to this he was Distinguished Research Professor at the Center for Technology and National Security Policy at the National Defense University. In 2003 he was a Senior Advisor for National Security and Defense to the Coalition Provisional Authority in Iraq. He was also on the faculty of the RAND Pardee Graduate School, the United States Naval Academy, and the National Defense University. Mr. Gompert served as President of RAND Europe from 2000 to 2003, during which period he was on the RAND Europe Executive Board and the Chairman of RAND Europe-UK. He was Vice President of RAND and Director of the National Defense Research Institute from 1993 to 2000. From 1990 to 1993, Mr. Gompert served as Special Assistant to President George H. W. Bush and Senior Director for Europe and Eurasia on the National Security Council staff.

Mr. Gompert has held a number of positions at the State Department, including Deputy to the Under Secretary for Political Affairs (1982-83), Deputy Assistant Secretary for European Affairs (1981-82), Deputy Director of the Bureau of Political-Military Affairs (1977-81), and Special Assistant to Secretary of State Henry Kissinger (1973-75). Mr. Gompert worked as an executive in the private sector from 1983-1990, when he held executive positions at Unisys and at AT&T. Mr. Gompert holds a Bachelor of Science degree in engineering from the United States Naval Academy and a Master of Public Affairs degree from the Woodrow Wilson School, Princeton University.

The Committee held a nomination hearing for Mr. Gompert on October 13, 2009. Mr. Gompert's testimony and his responses to the Committee's questionnaire, prehearing questions, and questions for the record are printed in S. Hrg. 111–545. The Committee reported the nomination favorably on October 29, 2009, by voice vote. The Senate confirmed Mr. Gompert's appointment to be Principal Deputy Director of National Intelligence on November 9, 2009, by voice vote.

Mr. Gompert resigned from this position on August 27, 2010.

I. PHILIP S. GOLDBERG, ASSISTANT SECRETARY OF STATE, INTELLIGENCE AND RESEARCH

On October 26, 2009, the President nominated Philip S. Goldberg to be Assistant Secretary of State, Intelligence and Research. Prior to his nomination, Mr. Goldberg served as the United States Coordinator for Implementation of United Nations Security Council Resolutions on North Korea. A career foreign service officer, Mr. Goldberg has served as Ambassador to Bolivia; Chief of Mission in Kosovo and Charge d'affaires and Deputy Chief of Mission in Chile. At the time of his nomination, he was coordinating implementation of U.N. Security Council Resolution 1874. His earlier assignments include: acting Deputy Assistant Secretary of State for Legislative Affairs; Executive Assistant and Special Assistant to the Deputy Secretary of State; Bosnia Desk Officer and member of US delegation at Dayton Peace Negotiations; Political-Economic Officer in South Africa, and Consular and Political officer in Colombia. Mr. Goldberg is a graduate of Boston University.

After receiving Mr. Goldberg's responses to the Committee's standard questionnaire, and responses to the Committee's prehearing questions about his understanding of the duties and responsibilities of the office to which he had been nominated, the Committee held a nomination hearing on December 1, 2009. Mr. Goldberg's testimony and his responses to the Committee's questionnaire, prehearing questions, and questions for the record are printed in S. Hrg. 111–556. The Committee reported the nomination favorably on December 10, 2009, by voice vote. The Senate confirmed Ambassador Goldberg to be Assistant Secretary of State, Intelligence and Research, on February 9, 2010, by voice vote.

J. CARYN A. WAGNER, UNDERSECRETARY FOR INTELLIGENCE AND ANALYSIS, DEPARTMENT OF HOMELAND SECURITY

On October 26, 2009, the President nominated Caryn A. Wagner to be Undersecretary for Intelligence and Analysis, Department of Homeland Security. Prior to her nomination, Ms. Wagner served as an instructor in intelligence resource management for The Intelligence and Security Academy, LLC. She retired from the House Permanent Select Committee on Intelligence on October 1, 2008, where she served as Budget Director and cybersecurity coordinator. Prior to that from April 2005 to January 2007, Ms. Wagner served in the Office of the Director of National Intelligence as an Assistant Deputy Director of National Intelligence for Management and the first Chief Financial Officer for the National Intelligence Program. She assumed this position after serving as the Executive Director for Intelligence Community Affairs from May 2004 to April 2005.

Prior to her service with the ODNI, Ms. Wagner was the senior Defense Intelligence Agency Representative to the United States European Command and the North Atlantic Treaty Organization from April 2003 to May 2004. She also served from November 2000 to April 2003 as DIA Deputy Director for Analysis and Production and as Director, Military Intelligence Staff,

from November 1996 to November 2000. Before joining DIA, Ms. Wagner was the Staff Director of the Subcommittee on Technical and Tactical Intelligence, House Permanent Select Committee on Intelligence. Her intelligence experience also includes serving as a Signals Intelligence and Electronic Warfare Officer in the United States Army. She has a Bachelor of Arts from the College of William and Mary and a Master of Science from the University of Southern California.

After receiving Ms. Wagner's responses to the Committee's standard questionnaire, and responses to the Committee's prehearing questions about her understanding of the duties and responsibilities of the office to which she had been nominated, the Committee held a nomination hearing on December 1, 2009. Ms. Wagner's testimony and her responses to the Committee's questionnaire, prehearing questions, and questions for the record are printed in S. Hrg. 111–556. The Committee reported the nomination favorably on December 10, 2009, by voice vote. The Senate confirmed Ms. Wagner to be Undersecretary for Intelligence and Analysis on February 11, 2010, by voice vote.

K. S. Leslie Ireland, Assistant Secretary of the Treasury for Intelligence and Analysis

The Intelligence Authorization Act for Fiscal Year 2004 created the Treasury Department's Office of Intelligence and Analysis to replace the Office of Intelligence Support. The Office of Intelligence and Analysis is responsible for the receipt, analysis, collation, and dissemination of foreign intelligence and counterintelligence information related to the operation and responsibilities of the Treasury Department

S. Leslie Ireland was nominated by the President to the position on April 12, 2010. Beginning in 1985, she served for twenty-five years as an analyst in the CIA, holding senior leadership positions in the Intelligence Community and Department of Defense, including intelligence briefer for President Barack Obama, Iran Mission Manager in the Office of the Director of National Intelligence, executive assistant to CIA Director Porter Goss and Deputy CIA Director John McLaughlin, country director for Kuwait and Iran in the Office of the Secretary of Defense, and various analytical and management portfolios related to the Middle East and weapons of mass destruction.

On May 25, 2010, the Committee considered the nomination and reported it favorably by a unanimous vote. She was confirmed by the Senate on June 30, 2010, by unanimous consent. Ms. Ireland is the second person to hold the position of Assistant Secretary of the Treasury for Intelligence and Analysis.

In November 2010, Director of National Intelligence James R. Clapper, Jr. and Secretary of the Treasury Timothy F. Geithner jointly appointed Assistant Secretary Ireland to serve as the National Intelligence Manager for Threat Finance, and, in this capacity, to coordinate the Intelligence Community's collection and analysis of financial intelligence.

L. JAMES R. CLAPPER, JR., DIRECTOR OF NATIONAL INTELLIGENCE

President Obama nominated Lieutenant General James R. Clapper, Jr. (U.S.A.F. Ret.), the Undersecretary of Defense for Intelligence (USD(I)) to the position of Director of National Intelligence on June 7, 2010, after DNI Blair resigned effective May 28, 2010.

At the time of his nomination, General Clapper had over forty-six years of experience in the field of intelligence, including 32 years on active duty in the Air Force. He was nominated to be USD(I) by President George W. Bush and confirmed by the Senate by voice vote on April 11, 2007. As USD(I), General Clapper served as the Program Executive for the Military Intelligence Program and developed and promulgated standards for DoD intelligence, counter-intelligence and security matters. He was served simultaneously as the DNI's Director of Defense Intelligence, to be in what he described as a "'bridging' capacity, to help the DNI manage the DoD intelligence components."

General Clapper began his active duty career in the Air Force with two tours of duty in the Southeast Asia conflict. He served as a Director of Intelligence (J-2) in three commands and learned firsthand the functions of intelligence collection, analysis, operations, planning and programming, in each of the intelligence disciplines.

General Clapper headed two of the major intelligence agencies within the Intelligence Community. He led the DIA while on active duty from 1991 – 1995 and was appointed to head the National Imagery and Mapping Agency (subsequently known as the National Geo-spatial Intelligence Agency) on September 13, 2001, and served in that position until June 2006. While in the private sector, from 1995 to 2001, General Clapper served on boards, commissions and panels related to intelligence, defense, and homeland security issues, and held positions in industry at several firms.

After receiving General Clapper's responses to the Committee's standard questionnaire and responses to the Committee's prehearing questions about his understanding of the duties and responsibilities of the office to which he had been nominated, the Committee held a nomination hearing on July 20, 2010. General Clapper's testimony and his responses to the Committee's questionnaire, prehearing questions, and questions for the record are printed in S. Hrg. 111-857. The Committee reported the nomination favorably on July 29, 2010, by a vote of 15–0. The Senate confirmed General Clapper's appointment to be DNI on August 5, 2010, by a voice vote.

M. DAVID B. BUCKLEY, INSPECTOR GENERAL OF THE CENTRAL INTELLIGENCE AGENCY

Under Section 17 of the Central Intelligence Act of 1949, the Inspector General of the CIA provides policy and overall direction of the Office of Inspector General of the CIA in conducting independent inspections, investigations, and audits of the CIA. The Inspector General is also responsible for keeping the Director of CIA fully and currently informed, and reports to and is under the general supervision of the Director. Section 17 also states that the appointment of the Inspector General of the CIA is to be made "solely on the basis of integrity, compliance with the

security standards of the Agency, and prior experience in the field of foreign intelligence."

On August 6, 2010, the President nominated David Buckley to be the Inspector General of the CIA. Prior to his confirmation, Mr. Buckley was a senior manager at Deloitte Consulting from 2007 to 2010. Mr. Buckley had served for nearly 30 years in Federal Government positions in the areas of national security, intelligence, law enforcement, congressional oversight, and criminal and administrative investigations. He served on the House Permanent Select Committee on Intelligence as Minority Staff Director from 2005 to 2007 and was an investigator and then chief investigator at the Senate Permanent Subcommittee on Investigations from 1987 to 1995. Mr. Buckley served in the Department of Treasury from 1998 to 1999 as a Senior Advisor and from 1999 to 2005 as Assistant IG for Investigations for the Inspector General for Tax Administration. He has also served as Assistant Director of the Office of Special Investigations at the Government Accountability Office and as Special Assistant to the Inspector General of the Department of Defense. Mr. Buckley was also a counterespionage case officer for the U.S. Air Force.

After receiving Mr. Buckley's responses to the Committee's standard questionnaire and responses to the Committee's prehearing questions about his understanding of the duties and responsibilities of the office to which he had been nominated, the Committee held a nomination hearing on September 21, 2010. Mr. Buckley's testimony and his responses to the Committee's questionnaire, prehearing questions, and questions for the record are printed in S. Hrg. 111-856. Following those hearings, the Committee reported the nomination favorably on September 28, 2010 by a vote of 15-0. The Senate approved the nomination by unanimous consent the next day.

N. STEPHANIE O'SULLIVAN, PRINCIPAL DEPUTY DIRECTOR OF NATIONAL INTELLIGENCE

In the final days of the 111th Congress, on December 13, 2010, the President nominated Stephanie O'Sullivan to be Principal Deputy Director of National Intelligence. Ms. O'Sullivan was nominated to the position again on January 5, 2011, at the beginning of the 112th Congress.

V. SUPPORT TO THE SENATE

The Committee has an important role in supporting the Senate's deliberations by providing access to Intelligence Community information and officials. In the 111th Congress, the Chairman and Vice Chairman wrote to all members explaining the intelligence information which it holds and to encourage them to make use of these resources. The Chairman and Vice Chairman also wrote to new Senators to describe the special role of the Intelligence Committee and to make them aware of support the Committee provides to members.

The Committee routinely invited members and staff outside the Committee to participate in briefings and hearings on issues of shared jurisdiction or interest. The Committee maintained and provided access to intelligence information regarding topics relevant to current legislation and foreign policy interest for members of the Senate.

The Committee also offered intelligence briefings by its professional staff to Members and assisted Members in resolving issues with intelligence agencies.

VI. APPENDIX

SUMMARY OF COMMITTEE ACTIONS

A. Number of meetings

During the 111th Congress, the Committee held a total of 125 on-the-record interviews, meetings, briefings, and hearings, and numerous off-the-record briefings. There were 54 oversight hearings, 9 open and 1 closed confirmation hearings, 13 hearings on the IC budget, and 2 legislative hearings. Of these 79 hearings, 11 were open to the public and 68 were closed to protect classified information pursuant to Senate rules. The Committee also held 34 on-the-record briefings and meetings, and 16 business meetings including mark-ups of legislation. Additionally, the Committee staff conducted 6 on-the-record briefings and interviews and numerous off-the-record briefings.

B. Bills and resolutions originated by the Committee

S. Res. 34, An original resolution authorizing expenditures by the Select Committee on Intelligence.

S. 1494, An original bill to authorize appropriations for fiscal year 2010 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

S. 3611, An original bill to authorize appropriations for fiscal year 2010 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

C. Bills Referred to the Committee

S. 147, A bill to require the closure of the detention facility at Guantanamo Bay, Cuba, to limit the use of certain interrogation techniques, to prohibit interrogation by contractors, to require notification of the International Committee of the Red Cross of detainees, and for other purposes.

S. 248, A bill to prohibit the use of certain interrogation techniques and for other purposes.

S. 385, A bill to reaffirm and clarify the authority of the Comptroller General to audit and evaluate the programs, activities, and financial transactions of the intelligence community, and for other purposes.

S. 1126, A bill to require the Director of National Intelligence to submit a report to Congress on retirement benefits for former employees of Air America and for other purposes.

S. 1387, A bill to enable the Director of National Intelligence to transfer full-time equivalent positions to elements of the intelligence community to replace employees who are temporarily absent to participate in foreign language training, and for other purposes.

S. 1528, A bill to establish a Foreign Intelligence and Information Commission and for other purposes.

S. 2834, A bill to amend the Intelligence Reform and Terrorism Prevention Act of 2004 to establish a Security Clearance and Suitability Performance Accountability Council and for other purposes.

C. Publications

Report 111-6 – Report of the Select Committee on Intelligence covering the period January 4, 2007 – January 2, 2009

S. Prt. 111-20 – Rules of Procedure (amended February 24, 2009)

Report 111-55 – Report to accompany S. 1494

S. Hrg. 111-62 – Current and Projected National Security Threats to the United States - February 12, 2009.

S. Hrg. 111-125 – Nomination of Dennis C. Blair to be Director of National Intelligence - January 22, 2009.

S. Hrg. 111-163 – Nomination of David S. Kris to be Assistant Attorney General for National Security – March 10, 2009.

S. Hrg. 111-172 – Nomination of Leon Panetta to be Director, Central Intelligence Agency – February 5 and 6, 2009.

Report 111-199 – Attempted Terrorist Attack on Northwest Airlines Flight 253 – May 24, 2010.

Report 111-223 – Report to accompany the Intelligence Authorization Act for Fiscal Year 2010 (S. 3611).

S. Hrg. 111-545 – Nomination of David C. Gompert to be Principal Deputy Director of National Intelligence - October 13, 2009.

S. Hrg. 111-556 – Nomination of Caryn A. Wagner to be Under Secretary of Homeland Security for Intelligence and Analysis and Nomination of Philip S. Goldberg to be Assistant Secretary of State for Intelligence and Research – December 1, 2009.

S. Hrg. 111-557 – Current and Projected National Security Threats to the United States – February 2, 2010.

S. Hrg. 111-558 – Nomination of Robert S. Litt to be General Counsel, Office of the Director of National Intelligence, and Nomination of Stephen W. Preston to be General Counsel, Central Intelligence Agency – May 21, 2009

S. Hrg. 111-856 – Nomination of David B. Buckley to be Inspector General of the Central Intelligence Agency – September 21, 2010.

S. Hrg. 111-857– Nomination of Lieutenant General James Clapper, Jr., USAF, Ret., to be Director of National Intelligence – July 20, 2010.